## LEAVE AND APPOINTMENTS.

*The 21st January 1914.*

**No. 86-F.E.**—In supersession of this Department Notification No. 1447-F. E., dated 14th November 1913, published in the Gazette of India, Part I, dated 15th November 1913, Mr. R. W. Badock, Assistant Accountant General, Punjab, has been granted privilege leave for one month and 8 days and, in continuation, furlough on medical certificate for four months and twenty-two days, with effect from the 3rd November 1913.

**No. 87-F.E.**—Mr. M. E. Watts has been posted as Assistant Accountant General, Bengal, with effect from the 2nd January 1914.

**No. 88-F.E.**—Mr. R. Sundarachari has been posted to the office of the Chief Examiner of Accounts, North-Western Railway, with effect from the 29th December 1913.

*The 23rd January 1914.*

**No. 96-F.E.**—Mr. H. C. O'Brien, Chief Accountant, Office of the Examiner of Accounts, Military Works Services, has been granted privilege leave for 26 days with effect from the 2nd January 1914.

**No. 97-F.E.**—Mr. C. E. Vernieux, a Superintendent in the Postal Accounts Department, has been appointed a temporary Chief Superintendent, Class II, in the Office of the Accountant General, Post Office and Telegraphs, with effect from the 5th December 1913.

## APPOINTMENTS.

*The 23rd January 1914.*

**No. 59-Accts.-Camp.**—The appointment of Mr. William George Leys to the Military Accounts Department is confirmed with effect from the 16th November 1912.

J. B. BRUNYATE,
*Secretary to the Government of India.*

# DEPARTMENT OF COMMERCE AND INDUSTRY.

## NOTIFICATIONS.

## EMIGRATION.

*Delhi, the 24th January 1914.*

**No. 563-126-C.**—The following draft of a rule which it is proposed to issue in exercise of the powers conferred by Section 81 of the Indian Emigration Act, 1908 (XVII of 1908), is published, as required by the said section, for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration by the Governor General in Council on or after the 24th February 1914.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor General in Council.

*Draft Rule.*

In the Colonial Emigration Form No. 32 (Form of Certificate of Medical Stores)—Statement C (*Statement of instruments and appliances for Hospital and Dispensary*) and in Schedule G—Scale No. 3(B) of *Miscellaneous Medical Stores—showing instruments and*

*appliances for Hospital and Dispensary to be supplied for every emigrant vessel,* under the head *Disinfectants* for the entry :—

| | | | |
|---|---|---|---|
| Calvert's powder or Jeye's Sanitary powder, ½ each. | 500 lbs. | 300 lbs. | In 2 lb. packets. |
| Commercial Carbolic Acid ½ and Jeye's perfect purifier or the disinfectant known as Izal, ½. | 6 gallons. | 4 gallons. | If desired by Surgeon Superintendent phenyle may be substituted for one-fourth the quantity of Carbolic Acid. |

Substitute the words :—

" Cyllin . . . . . 25 gallons 25 gallons ".

## GEOLOGY AND MINERALS.

*The 24th January 1914.*

**No. 567-14-C.**—Mr. E. H. Pascoe, Assistant Superintendent, Geological Survey of India, is granted such privilege leave as may be due to him on the 29th January 1914, or the subsequent date on which he may avail himself of it, in combination with furlough of such duration as may bring the total period of absence up to eleven months and three days.

R. E. ENTHOVEN,
*Secretary to the Government of India.*

# ARMY DEPARTMENT.

*Delhi, the 23rd January 1914.*

### APPOINTMENTS.

**No. 73.**—Mr. A. B. Kunning, officiating Superintendent, 2nd Grade, and Mr. P. P. Hypher, officiating Superintendent, 3rd Grade, are confirmed in those grades on augmentation of establishment ; with effect from the 1st January 1914.

**No. 74.**—With reference to Army Department Notification No. 796, dated the 26th September 1913, the following promotions are made, *vice* Rai Sahib L. N. Bose, Superintendent, 2nd Grade, on leave ; with effect from the 1st January 1914 :—

Mr. R. Tharle-Hughes, Superintendent, 3rd Grade, to officiate as Superintendent, 2nd Grade.

Mr. Sarat Chandra Biswas, B.A., Secretariat Assistant, to officiate as Superintendent, 3rd Grade.

**No. 75.**—Mr. J. E. G. Kirk, Secretariat Assistant, is appointed to officiate as Superintendent, 3rd Grade, *vice* Mr. P. P. Hypher on privilege leave ; with effect from the 2nd January 1914.

### INDIAN SUBORDINATE MEDICAL DEPARTMENT.

#### ASSISTANT SURGEON BRANCH.

**No. 76.**—In Army Department Notification No. 1058, dated the 26th December 1913, *for* " John Ethelred Ferreiro " *read* " John Ethelred Fereiro."

## INDIAN ARMY.

**No. 77.**—Lieutenant George Hastings Pengelley, Royal Garrison Artillery, is admitted to the Indian Army, subject to His Majesty's approval, with effect from the 17th January 1914.

Lieutenant Pengelley will have seniority in the rank of Lieutenant from the 29th October 1906 and is promoted to the rank of Captain, with effect from the 29th July 1913.

**No. 78.**—The undermentioned Second Lieutenants from the Unattached List are admitted to the Indian Army, subject to His Majesty's approval:—

Arthur Friedrich Rawson Lumby, 69th Punjabis. Dated 5th October 1913, with rank as Lieutenant from 5th December 1913.

William Campion Cooper, 53rd Sikhs (Frontier Force). Dated 5th October 1913, with rank as Lieutenant from 5th December 1913.

Robert Ross Ewing, 61st King George's Own Pioneers. Dated 6th October 1913, with rank as Lieutenant from 5th December 1913.

Reginald Courtenay Hulton Woodhouse, 83rd Wallajahbad Light Infantry. Dated 5th October 1913, with rank as Lieutenant from 5th December 1913.

Malcolm Edward Crane, 97th Deccan Infantry. Dated 7th October 1913, with rank as Lieutenant from 5th December 1913.

Alexander Sutherland Mackay, 7th Gurkha Rifles. Dated 21st November 1913, with rank as Lieutenant from 5th December 1913.

Arthur Beaumont Boggs, 29th Lancers (Deccan Horse). Dated 20th November 1913.

Thomas Norman Cameron Kemp, 9th Gurkha Rifles. Dated 4th November 1913.

Arthur Douglas Magnay, 1st Duke of York's Own Lancers (Skinner's Horse). Dated 4th November 1913.

Mervyn Stockton Harvey Jones, 39th King George's Own Central India Horse. Dated 3rd November 1913.

John George Smyth, 15th Ludhiana Sikhs. Dated 5th November 1913.

George Edward Forman Campbell, 10th Gurkha Rifles. Dated 23rd November 1913.

Julian Gerald Barnes De Wilton, 8th Cavalry. Dated 20th November 1913.

Aubrey De St. Croix, 119th Infantry (The Mooltan Regiment). Dated 2nd November 1913.

Alexander Redmayne Raitt, 2nd Queen Victoria's Own Rajput Light Infantry. Dated 2nd November 1913.

Arthur Montague Taylor, 1st Brahmans. Dated 2nd November 1913.

Aubrey Spranger Townsend Reilly, 69th Punjabis. Dated 12th October 1913.

Charles Hony Trehane, 25th Cavalry (Frontier Force). Dated 10th November 1913.

Frank Vivian Spooner, 30th Lancers (Gordon's Horse). Dated 14th October 1913.

Charles Joseph Weld, 56th Punjabi Rifles (Frontier Force). Dated 5th November 1913.

Richmond Pelham Inglis Cochrane, 17th Cavalry. Dated 1st November 1913.

Douglas Burgoyne Burgoyne-Wallace, 7th Duke of Connaught's Own Rajputs. Dated 4th November 1913.

John Alexander Colquhoun May-Somerville, 11th King Edward's Own Lancers (Probyn's Horse). Dated 13th October 1913.

Herbert Prichard Thomas, 126th Baluchistan Infantry. Dated 14th October 1913.

William Vernon McCalmont, 10th Jats. Dated 15th October 1913.

Claude Boileau Mosse, 116th Mahrattas. Dated 2nd November 1913.

John Le Clerc Fowle, 15th Lancers (Cureton's Multanis). Dated 3rd November 1913.

Charles Colquhoun Morrison, 35th Scinde Horse. Dated 21st November 1913.

Robert William Ryall, 8th Gurkha Rifles. Dated 9th November 1913.

Patrick Valentine Blomfield, 2nd Lancers (Gardner's Horse). Dated 11th November 1913.

Paul Anthony Meade, 112th Infantry. Dated 1st November 1913.

Walter Augustus Gore Hinds, 103rd Mahratta Light Infantry. Dated 1st November 1913.

Ralph Henry Wellesley Welsh, 16th Cavalry. Dated 12th October 1913.

Henry Dane, Queen Victoria's Own Corps of Guides (Frontier Force) (Lumsden's). Dated 18th November 1913.

Malcolm Hay Alexander Campbell, 89th Punjabis. Dated 15th December 1913.

Cyril Philip Francis Williamson, 95th Russell's Infantry. Dated 5th November 1913.

Byan Edward Chicheley Plowden, 82nd Punjabis. Dated 12th October 1913.

Brian Gerald Keene, 73rd Carnatic Infantry. Dated 12th October 1913.

Franklin Herbert Worlledge, 26th King George's Own Light Cavalry. Dated 14th October 1913.

Duncan Alexander Cameron, Queen Victoria's Own Corps of Guides (Frontier Force) (Lumsden's). Dated 16th October 1913.

Edward Seton Rind, 24th Punjabis. Dated 7th October 1913.

## FURLOUGH AND LEAVE.

**No. 79.**—Mr. P. P. Hypher, Superintendent, 3rd Grade, is granted privilege leave for three months, with effect from the 2nd January 1914.

### CANTONMENT MAGISTRATES' DEPARTMENT.

**No. 80.**—Subadar-Major Sardar Khan, *Khan Bahadur*, C.I.E., Extra-Assistant Cantonment Magistrate, was on privilege leave for two months, from the 15th May 1911 to the 14th July 1911.

(*Army Department Notification No. 989, dated the 5th December 1913, is cancelled.*)

## LONDON GAZETTE.

**No. 81.**—The following extract is published for general information:—

*Second Supplement to the "London Gazette" of Tuesday, the 30th December 1913.*

* * * * * * *

*Chancery of the Order of Saint Michael and Saint George.*

*Downing Street, January 1st, 1914.*

The KING has been graciously pleased to give directions for the following * * * * appointments to the Most Distinguished Order of Saint Michael and Saint George.

* * * * * * *

To be Ordinary Members of the Third Class, or Companions of the said Most Distinguished Order:—

* * * * * * *

Lieutenant-Colonel Michael Edward Willoughby, Indian Army, late Military Attaché to His Majesty's Legation at Peking.

* * * * * * *

## ORGANISATION.

### ARMY RESERVES.

**No. 82.**—Harry Banister to be Second Lieutenant in the Cavalry Branch of the Indian Army Reserve of Officers, subject to His Majesty's approval. Dated the 23rd January 1914.

## PROMOTIONS.

### INDIAN ARMY.

**No. 83.**—The following promotions are made, subject to His Majesty's approval:—

*Captains to be Majors.*

Richard Stukeley St. John, 20th Duke of Cambridge's Own Infantry (Brownlow's Punjabis).
Charles Lubé Peart, 106th Hazara Pioneers.
Claude Lumsden Norman, M.V.O., Queen Victoria's Own Corps of Guides (Frontier Force) (Lumsden's).
Richard Henry Chenevix-Trench, Supernumerary List.
Henry Barstow, 38th Dogras.
Kenneth Wigram, 2nd King Edward's Own Gurkha Rifles, (The Sirmoor Rifles).
Gerald Maxwell Orr, 11th King Edward's Own Lancers, (Probyn's Horse).
Frank Graham Marsh, 9th Gurkha Rifles.
Claude Gregory Woodhouse, 126th Baluchistan Infantry.
William Henry Bingham, 69th Punjabis.
James Macpherson, D.S.O., 124th Duchess of Connaught's Own Baluchistan Infantry.
Cecil Popham Barlow, 8th Gurkha Rifles.
Gerald Bassett Scott, 27th Punjabis.
Robert Archibald Cassels, 32nd Lancers.
Hugh William Knox-Niven, 25th Cavalry (Frontier Force).
Sidney Morton, 24th Punjabis.
George Newcome, 130th King George's Own Baluchis (Jacob's Rifles).
Michael Lloyd Ferrar, Supernumerary List.
Edward William Crawfurd Ridgeway, 2nd King Edward's Own Gurkha Rifles (The Sirmoor Rifles).
Henry Sullivan Becher, 2nd King Edward's Own Gurkha Rifles (The Sirmoor Rifles).
Fitzstephen Henry Bridges, 5th Gurkha Rifles (Frontier Force).
Malcolm Robertson Pocock, 28th Punjabis.
John Chalmers Simpson, 4th Prince Albert Victor's Rajputs.
Algernon John Parker Coke, 22nd Sam Browne's Cavalry (Frontier Force).

—22nd January 1914.

*Lieutenants to be Captains.*

William Miles Logan-Home, 112th Infantry,—3rd December 1913.
Edward William Charles Noel, 44th Merwara Infantry,—21st December 1913.

John Rowley Lunell Heyland, 9th Gurkha Rifles.
John Creery Tate, Political Employ.
Arthur Marston Daniels, 3rd Skinner's Horse.
James Garrard Dormer, 104th Wellesley's Rifles.
Harry Allardice, 36th Jacob's Horse.
Trevor Maxwell Carpendale, 8th Cavalry.
Herbert Cobb Finnis, 14th King George's Own Ferozepore Sikhs.

—18th January 1914.

Harold Evelyn William Bell-Kingsley, 4th Gurkha Rifles.
Malcolm Ostrehan, 9th Gurkha Rifles.
Hugh Robert Charles Lane, 5th Gurkha Rifles (Frontier Force).
Arthur Brodie Haig, 24th Punjabis.
Frank Stewart Greenhouse, 94th Russell's Infantry.
Archibald Huleatt Huntly Muir, 15th Ludhiana Sikhs.
Henry Blackwell, 106th Hazara Pioneers.
James Farquhar White Ogilvie, Queen Victoria's Own Corps of Guides (Frontier Force) (Lumsden's).
Lewis Macclesfield Heath, 19th Punjabis.
Charles Herbert Stanley Deane, 44th Merwara Infantry.
Thomas Schomberg Paterson, 19th Lancers (Fane's Horse).
John Sweetland Dallas, 6th Gurkha Rifles.
John Graham Wilson, 45th Rattray's Sikhs.
Wynne Owen, 38th Dogras.
Arthur Hugh Rich Saunders, 2nd King Edward's Own Gurkha Rifles (The Sirmoor Rifles).
Eric William Reynolds, 96th Berar Infantry.
Douglas Harvey, 31st Punjabis.
Geoffrey Bulmer Howell, 19th Lancers (Fane's Horse).
Donald Rainsford Hannay, 53rd Sikhs (Frontier Force).
Arthur Morris Slingsby, 56th Punjabi Rifles (Frontier Force.)
Ian Burn-Murdoch, 32nd Sikh Pioneers. } —18th January 1914
Thomas Moss, 30th Punjabis.
St. John Vashon Baker, 11th King Edward's Own Lancers (Probyn's Horse).
William Brook Northey, 1st King George's Own Gurkha Rifles (The Malaun Regiment).
Frederick Obré MacKenzie, 7th Duke of Connaught's Own Rajputs.
Norman Chalmers Sparling, 54th Sikhs (Frontier Force).
Harold Wyn Goldfrap, 103rd Mahratta Light Infantry.
John Lancelot Eden, 43rd Erinpura Regiment.
Charles Molyneux Sandys Manners, 104th Wellesley's Rifles.
Charles Mylne Mullaly, 2nd King Edward's Own Gurkha Rifles (The Sirmoor Rifles).
St. John Arthur Browne, 53rd Sikhs (Frontier Force).
Charles Hamilton Grant Hume Harvey-Kelly, 127th Queen Mary's Own Baluch Light Infantry.
William Reginald Warden, 75th Carnatic Infantry.
Arthur Henry Maitland Wilson, 12th Cavalry.
William Bruce Cunningham, 38th Dogras.
Charles Frederick Trench, 7th Hariana Lancers.
Archibald Kenneth Park, 10th Gurkha Rifles.
Rupert Simson, 4th Cavalry.
Noel Frank Coote Mulloy, 32nd Lancers.
Steriker William Finnis, 25th Punjabis.
Lionel Edward Lang, Political Employ.
Douglas Byres Davidson, 8th Gurkha Rifles.
William George King Broome, 89th Punjabis.
Wigram Seymour Elliot Money, 22nd Sam Browne's Cavalry (Frontier Force).
Guy Stoddart, 104th Wellesley's Rifles.

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

ASSISTANT SURGEON BRANCH.

*Bengal Establishment.*

**No. 84.**—The following promotions are made, subject to His Majesty's approval :—

Senior Assistant Surgeons and Honorary Lieutenants,

Thomas Henry Bonnar,
Christopher Alfred Farmer,
John Robertson,
William Daniel Neal,
} *seconded,*

to be Senior Assistant Surgeons with the honorary rank of Captain and *seconded,*

Senior Assistant Surgeon and Honorary Lieutenant Arthur John Archer, to be Senior Assistant Surgeon, with the honorary rank of Captain,

1st Class Assistant Surgeon William Thomas White, to be Senior Assistant Surgeon with the honorary rank of Lieutenant ;

*vice* Senior Assistant Surgeon and Honorary Captain A. D. Cotton, retired ; with effect from the 8th December 1913.

*Madras Establishment.*

**No. 85.**—The undermentioned 3rd Class Assistant Surgeon, having completed seven years' service in that class and passed the required departmental examination, to be 2nd Class Assistant Surgeon, with effect from the 21st April 1913 :—

Robert Fredric Browne.

ORDNANCE DEPARTMENT.

*Southern Army.*

**No. 86.**—Sub-Conductor Benjamin Nettleton Walker to be Conductor and

Staff-Sergeant Thomas Ryall to be Sub-Conductor on the General List,

*vice* Edward Beevor Batcheler, transferred to the pension establishment ; with effect from the 19th December 1913.

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SPECIAL.

**No. 87.**—With reference to paragraph 305, Army Regulations, India, Volume II, the undermentioned officer having been absent from military duty for ten years, is transferred to the Supernumerary List, with effect from the date specified :—

Major William Thurburn Barry, Cantonment Magistrates' Department,—25th January 1914.

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VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

*Surma Valley Light Horse.*

**No. 88.**—Robert Pringle to be Second Lieutenant, *vice* C. McLeod, promoted. Dated the 13th October 1913.

*United Provinces Horse.*

*2nd (Northern) Regiment.*

**No. 89.**—The Hon'ble Lieutenant-Colonel (Honorary Colonel) John Alexander Broun, C.S.I., V.D., Honorary Aide-de-Camp to His Excellency the Viceroy, resigns his commission

an ] is permitted, on retirement, to retain his rank and wear the uniform of the Corps. Dated the 14th November 1913.

(*Army Department Notification No. 1024, dated the 12th December 1913, is cancelled.*)

Second Lieutenant Robert Charles Arthur Stanley Hobart to be Lieutenant, *vice* E. Stokes, resigned. Dated the 8th December 1913.

Second Lieutenant Arthur David Blascheck to be Lieutenant, *vice* F. E. Bull, promoted. Dated the 8th December 1913.

Arthur Durham Ashdown to be Second Lieutenant, *vice* A. W. Ibbotson, transferred to the 1st (Southern) Regiment, United Provinces Horse. Dated the 8th December 1913.

Charles William Grant to be Second Lieutenant, *vice* R. C. A. S. Hobart, promoted. Dated the 8th December 1913.

John Thurlow Rivett-Carnac to be Second Lieutenant, *vice* A. D. Blascheck, promoted. Dated the 8th December 1913.

*Northern Bengal Mounted Rifles.*

**No. 90.**—Major George Frederick Stoddart to be Commandant with the rank of Lieutenant-Colonel, *vice* G. G. Gordon, C.I.E., V.D., resigned. Dated the 16th September 1913.

Major Charles Edward Baldwin Seal, V.D., to be Lieutenant-Colonel, *vice* J. B. Oliver, transferred to the Supernumerary List. Dated the 16th September 1913.

Captain Charles William O'Brien Ansell, V.D., to be Major, *vice* C. E. B. Seal, V.D., promoted. Dated the 16th September 1913.

Captain Frederick Evan Wood to be Major, *vice* G. F. Stoddart, promoted. Dated the 16th September 1913.

Lieutenant Lester Joseph McCoy to be Captain, to fill an existing vacancy. Dated the 16th September 1913.

Lieutenant Stewart Louis Waller Ross to be Captain, *vice* C. W. O. Ansell, V.D., promoted. Dated the 16th September 1913.

Lieutenant John Lincoln Durant to be Captain, *vice* F. E. Wood, promoted. Dated the 16th September 1913.

Second Lieutenant Thornton Ripley to be Lieutenant, *vice* L. J. McCoy, promoted. Dated the 16th September 1913.

Second Lieutenant Bernard Eustace Luard to be Lieutenant, *vice* S. L. W. Ross, promoted. Dated the 16th September 1913.

Second Lieutenant William Horace Shea to be Lieutenant, *vice* J. L. Durant, promoted. Dated the 16th September 1913.

Second Lieutenant Edward Montague Woodcock to be Lieutenant, to fill an existing vacancy. Dated the 16th September 1913.

Second Lieutenant James Alexander Macbean to be Lieutenant, to fill an existing vacancy. Dated the 16th September 1913.

*1st Punjab Volunteer Rifles.*

**No. 91.**—The Hon'ble Mr. William Malcolm Hailey, C.I.E., to be Lieutenant-Colonel, *vice* F. A. L. Jones, resigned. Dated the 18th November 1913.

*East Indian Railway Volunteer Rifles.*

**No. 92.**—William Henry Burnand to be Second Lieutenant, to fill an existing vacancy. Dated the 8th July 1913.

John Walker Tomb to be Second Lieutenant, to fill an existing vacancy. Dated the 9th July 1913.

Thomas Pearce to be Second Lieutenant, to fill an existing vacancy. Dated the 15th October 1913.

*Cawnpore Volunteer Rifles.*

**No. 93.**—Major Cuthbert Allan Sprawson, M.D., I.M.S., Medical Officer, resigns his commission. Dated the 7th December 1913.

W. R. BIRDWOOD, *Major-General,*
*Secretary to the Government of India.*

## MARINE DEPARTMENT.

*Delhi, the 23rd January 1914.*

### APPOINTMENTS.

**No. 4.**—The following appointment is made in the Royal Indian Marine by the Most Hon'ble the Secretary of State for India, with effect from the 24th November 1913.

*To be Assistant Engineer.*

Harry Smith.

### LEAVE.

**No. 5.**—Mr. D. H. North, Constructor, Bombay Dockyard, is granted three months' privilege leave, combined with three months' special leave, under Articles 233 and 316, Civil Service Regulations; with effect from the 14th March 1914.

W. R. BIRDWOOD. *Major-General,*
*Secretary to the Government of India.*

REGISTERED No. L 848.

# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 5.} DELHI, SATURDAY, JANUARY 31, 1914.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART I.

### Government of India Notifications, Appointments, Promotions, etc.

### LEGISLATIVE DEPARTMENT.

NOTIFICATION.

*Delhi, the 29th January 1914.*

**No. 4.**—Whereas by Resolution passed by the Secretary of State for India in Council on the 24th day of July, 1877, the provisions of section 1 of the Government of India Act, 1870 (33 Vict., c. 3), were declared applicable to the territories under the administration of the Hon'ble the Chief Commissioner of Coorg;

And whereas the said Chief Commissioner has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the assent of the Governor General on the 26th day of January, 1914;

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*, and will be published in the Coorg District Gazette.

## REGULATION No. I OF 1914.

*A Regulation to make provision for the eradication and destruction of noxious weeds in Coorg.*

WHEREAS it is expedient to make provision for the eradication and destruction of noxious weeds in Coorg; It is hereby enacted as follows :—

Short title, extent and commencement.

**1.** (*1*) This Regulation may be called the Coorg Noxious Weeds Regulation, 1914;

(*2*) it extends to the territories for the time being administered by the Chief Commissioner of Coorg; and

(*3*) it shall come into force on such day as the Chief Commissioner may, by notification, appoint in this behalf.

Definitions.

**2.** In this Regulation, unless there is anything repugnant in the subject or context,—

(*1*) "Noxious weed" includes *lantana* and any other plant which the Chief Commissioner may, from time to time, by notification, declare to be "a noxious weed."

(*2*) The terms "land," "holding," "holder" or "landholder," "notification" and "revenue" shall have the same meanings as are assigned to them in the Coorg Land and Revenue Regulation, 1899.

1 of 1899.

(*3*) "Prescribed" means prescribed by rules under this Regulation.

Eradication and destruction of weeds by landholders.

**3.** Every landholder shall eradicate and effectually destroy all noxious weeds growing or being grown upon the land comprised in his holding.

Notice may be given to holder to destroy weeds.

**4.** The Commissioner, or any other officer specially empowered in this behalf by the Chief Commissioner, may, on finding any noxious weed on any holding, issue notice to the holder thereof directing him to remove and effectually destroy such weed, and to keep his holding entirely clear of it:

Provided that no landholder shall be required to clear more than five acres in one year.

Notice to be in writing and manner of serving it.

**5.** (*1*) The notice shall be in writing signed by the officer issuing it, and shall set forth—

(*a*) the name of the holder;

(*b*) the holding and the area thereof which is estimated to be affected; and

(*c*) the period within which the weed shall be eradicated and destroyed, and any other particulars which may be prescribed.

(*2*) In fixing the period within which the weed shall be eradicated and destroyed, the officer issuing the notice shall have regard to the extent of the holding, the nature of the growth of the weed, and the pecuniary means of the holder.

(*3*) The notice shall be served in the manner provided for the service of summons in section 21 of the Coorg Land and Revenue Regulation, 1899.

1 of 1899.

Contravention of terms of notice.

**6.** (*1*) If any holder on whom notice under section 5 has been duly served knowingly and wilfully fails to comply therewith the officer issuing the notice may impose upon such holder a fine which may extend to Rs. 50, and shall prescribe such further period as he thinks fit within which such order shall be complied with.

(*2*) If the holder fails to comply with the order within the further period so fixed, such person or persons as may be authorised by the officer issuing the notice may enter on his holding, without being liable for trespass, and may eradicate and destroy the weed.

(*3*) Any fine imposed and any cost incurred by Government in eradicating and destroying noxious weed in accordance with the provisions of this section may, subject to any rules which may be prescribed, be recovered as arrears of revenue.

Suspension of operation of Regulation.

**7.** The Chief Commissioner may, by notification, suspend the operation of the Regulation or any portion thereof in such parts of the province and for such period as he may deem fit.

Power to make rules.

**8.** (*1*) The Chief Commissioner may make rules to carry out the purposes of this Regulation.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may, subject to the provisions of this Regulation,

(*a*) prescribe the particulars to be included in notices issued thereunder, and

(*b*) prescribe the manner in which fines imposed under this Regulation may be recovered.

W. H. VINCENT,
*Secretary to the Government of India.*

## HOME DEPARTMENT.

### NOTIFICATIONS.

#### JUDICIAL.

*Delhi, the 28th January 1914.*

**No. 609-C.**—In modification of entry (13) of Schedule I to the Indian Arms Rules, 1909, the Governor General in Council is pleased to direct that the exemption from the operation of the prohibitions and directions contained in sections 13, 14, 15 and 16 of the Indian Arms Act, 1878 (XI of 1878), thereby made in favour of European or East Indian subjects of His Majesty the King-Emperor shall cease to extend to Percival Antony Thorpe, J. J. Stevens Wyndham and J. M. Kelly of Calcutta.

#### MEDICAL.

*The 28th January 1914.*

**No. 603-C.** The services of Captain J. W. H. Babington, M.D., I.M.S., are placed temporarily at the disposal of the Government of Madras for civil employment.

*The 30th January 1914.*

**No. 665-C.**—In modification of the Home Department notification no. 795 (Medical), dated the 26th September 1913, Major A. E. J. Lister, M.B., F.R.C.S., I.M.S., is appointed to be Professor of Physiology at King George's Medical College, Lucknow, with effect from the 28th September 1913.

**No. 671-C.**—The services of Colonel R. W. S. Lyons, M.D., I.M.S., are placed permanently at the disposal of the Government of Bombay with effect from the 10th January 1914.

H. WHEELER,
*Secretary to the Government of India.*

## DEPARTMENT OF EDUCATION.

### NOTIFICATIONS.

#### EDUCATION.

*Delhi, the 30th January 1914.*

**No. 209.**—In exercise of the power conferred by section 6, sub-section (3), of the Indian Universities Act, 1904 (VIII of 1904), His Excellency the Chancellor of the Calcutta University is pleased to approve of the election by the Faculty of Arts of Mr. C. J. Hamilton, M.A., to be an Ordinary Fellow of the University.

**No. 211.**—In exercise of the power conferred by section 6, sub-section (3), of the Indian Universities Act, 1904 (VIII of 1904), His Excellency the Chancellor of the Calcutta University is pleased to approve of the following elections of Ordinary Fellows by the Faculties of Arts and Science :—

*Elected by the Faculty of Arts with effect from the 18th March 1914.*—Babu Heramba Chandra Maitra, M.A.

*Elected by the Faculty of Science with effect from the 18th March 1914.*—Dr. E. P. Harrison, Ph.D.

H. SHARP,
*Joint Secretary to the Government of India.*

#### EXAMINATIONS.

*The 30th January 1914.*

**No. 18.**—It is notified that Mr. C. B. N. Cama, I.C.S., Divisional and Sessions Judge, Hoshangabad, Central Provinces, has obtained a Degree of Honour in Urdu in the First Division and is entitled to the authorised donation of Rs. 3,000.

## SANITARY.

*The 30th January 1914.*

**No. 220.**—The services of Captain E. S. Phipson, M.B., I.M.S., are placed temporarily at the disposal of the Government of Burma for employment in the Sanitary Department.

**No. 222.**—Major S. P. James, M.D., I.M.S., is granted privilege leave for one month and seven days with leave on medical certificate for eight months in continuation, with effect from the 22nd January 1914.

L. C. PORTER,
*Secretary to the Government of India.*

# DEPARTMENT OF REVENUE AND AGRICULTURE.

## NOTIFICATION.

## LAND REVENUE.

*Delhi, the 30th January 1914.*

**No. 119-C.**—The services of Mr. S. Wilberforce of the Indian Civil Service are replaced at the disposal of the Government of the Punjab, with effect from the 15th January 1914.

E. D. MACLAGAN,
*Secretary to the Government of India.*

# FOREIGN AND POLITICAL DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 26th January 1914.*

**No. 201-G.**—With reference to Notification, No. 1534-G., dated the 18th August 1913, Mr. H. A. Rees, Consul for Norway at Rangoon, resumed charge of his office on the 2nd January 1914.

*The 28th January 1914.*

**No. 211-G.**—In exercise of the powers specified in Column 1 of the Schedule hereto annexed, the Governor-General in Council is pleased to cancel the notification mentioned opposite thereto in Column 2 of the said schedule.

*Schedule.*

| Powers. | No. and date of Notification. |
|---|---|
| Section 35 of the Court-Fees Act, 1870 (VII of 1870). | No. 1972-G., dated the 22nd October 1913. |

**No. 217-G.**—The Governor-General in Council is pleased to recognise the appointment of Mr. H. A. Huchting as Acting Vice-Consul for Chile at Rangoon, during the absence of Mr. C. Kauffeld.

**No. 117-Est. A.**—Rao Bahadur Vadilal Baloobhai, Native Assistant to the Resident at Baroda, is granted privilege leave for six weeks with effect from the 5th January 1914.

**No. 118-Est. A.**—Rao Sahib Maneklal Choonilal Hora, Superintendent of the Baroda Residency office, is appointed to officiate as Native Assistant to the Resident at Baroda with effect from the 5th January 1914, and during the absence on privilege leave of Rao Bahadur Vadilal Baloobhai, or until further orders.

J. B. WOOD,
*Secretary to the Government of India.*

## FINANCE DEPARTMENT.

ACCOUNTS AND FINANCE.
MINT.

No. 127-F., dated Delhi, the 23rd January 1914.

RESOLUTION—By the Finance Department, Government of India.

### I.—WORKING OF THE MINTS AT CALCUTTA AND BOMBAY DURING THE YEAR 1912-13.

1. *Receipts of Gold.*—The following statement compares the value and nature of the tenders of gold at the Mints in 1912-13 with those of the past two years :—

| YEAR. | CALCUTTA. | | | BOMBAY. | | | TOTAL. |
|---|---|---|---|---|---|---|---|
| | Value of sovereigns and half-sovereigns of current weight. | Value of light and uncurrent sovereigns and half-sovereigns. | Total. | Value of sovereigns and half-sovereigns of current weight | Value of light and uncurrent sovereigns and half-sovereigns. | Total. | Total value of gold tendered. |
| | R | R | R | R | R | R | R |
| 1910-11 . | 2,37,32,790 | 59,370 | 2,37,92,160 | 10,43,21,250 | 52,07,877 | 10,95,29,127 | 13,33,21,287 |
| 1911-12 . | 5,88,46,980 | 6,26,850 | 5,94,73,830 | 20,40,29,250 | 77,40,610 | 21,17,69,860 | 27,12,43,690 |
| 1912-13 . | 1,70,49,315 | 3,48,045 | 1,73,97,360 | 21,68,82,600 | 1,45,11,784 | 23,13,94,384 | 24,87,91,744 |

Of the total receipts in 1912-13 the value of gold coins which were so reduced in weight as to be taken at bullion value was only R64.

2. *Coinage of Silver.*—The silver coinage was as follows :—

| | CALCUTTA. | BOMBAY. | TOTAL. |
|---|---|---|---|
| | Value in rupees. | Value in rupees. | Value in rupees. |
| Rupees . . . . . | 7,79,22,000 | 10,96,07,154 | 18,75,29,154 |
| Half-rupees . . . . . | 16,94,957 | 7,52,378 | 24,47,335 |
| Quarter-rupees . . . . . | 23,96,761 | 5,69,097 | 29,65,858 |
| One-eighth rupees . . . . . | 17,44,933 | 6,82,664 | 24,27,597 |
| TOTAL | 8,37,58,651 | 11,16,11,293 | 19,53,69,944 |

The work was not confined to the re-coinage of 1835 and 1840 rupees and uncurrent coin, but new coinage on a large scale was undertaken from silver purchased in England. The outturn of rupees was more than that of the previous year by about 16¾ crores.

3. *Dollar and other Coinage.*—During the year 5,672,075 British dollars of the outturn value in standard tolas of R1,28,70,459 were coined at the Bombay Mint, against 37,470,509 British dollars of the outturn value of R8,50,23,954 in the previous year. The Bombay Mint also coined 444,628 five-cent pieces for the Singapore Government. Coinage to the extent of R24,08,653 was undertaken on behalf of the Junagadh Darbar which has adopted British silver currency in place of Koris in its territories.

4. *Nickel Coinage.*—39,776,000 nickel one-anna pieces of the nominal value of R24,86,000 were coined at the Bombay Mint during the year as

compared with 41,760,000 pieces of the nominal value of R26,10,000 in the preceding year.

The net gain on the nickel coinage which passed into circulation amounted to R22,02,778 against R24,35,338 in the preceding year.

5. *Bronze and Copper Coinage.*—The bronze coinage of the year consisted of pice, half-pice and pie-pieces of the aggregate value of about R19,18,461 against R9,25,625 in the previous year.

The copper coinage comprised (1) cents of the value of R76,028 executed for the Ceylon Government, and (2) of the value of R6,750 for the Straits Government.

During the year under review there was a net gain of R12,72,178 on bronze and copper coinage, against R9,02,671 in the preceding year.

6. *Operative Losses* :—

*Silver.*—The loss on silver coinage at the Calcutta Mint during the year amounted to 92·0 standard tolas of silver, and in the Bombay Mint to 104·38 standard tolas, for each lakh coined.

*Bronze and Copper.*—In the Calcutta Mint the operative losses on account of the bronze coinage were (*a*) melting loss of ·44 per 100 maunds melted, and (*b*) a coining loss of ·05 per 100 maunds of good coin issued.

The loss on copper coinage executed for the Ceylon Government and the Government of the Straits Settlements amounted to 25·9 maunds.

*Nickel.*—The nickle loss was ·290 per 100 maunds of metal rolled.

7. *Pre-melting.*—Uncurrent silver coins received for re-coinage as well as new subsidiary coins from the Straits Government, bar silver tendered by the Exchange banks, fine silver, Mexican and British dollars, South American silver coins and a large proportion of Koris from the Junagadh Darbar were taken in direct alligation.

8. *Revenue and Expenditure.*—The revenue and expenditure (including interest on capital outlay and other *pro formâ* charges) of the two Mints in 1912-13 compare as follows with the corresponding figures of the prevous year :—

| YEAR. | REVENUE. | | | EXPENDITURE. | | |
|---|---|---|---|---|---|---|
| | Calcutta. | Bombay. | Total. | Calcutta. | Bombay. | Total. |
| | R | R | R | R | R | R |
| 1911-12 . . . . . | 1,87,846 | 22,59,402 | 24,47,248 | 11,09,101 | 13,90,802 | 24,99,903 |
| 1912-13 . . . . . | 16,15,389 | 26,78,575 | 42,93,964 | 16,17,437 | 12,43,720 | 28,61,157 |

Of the aggregate revenue of R42,93,964 the seigniorage on silver tendered for dollar coinage amounted to R2,86,224.

The expenditure on salaries and establishments of the two Mints for the year under review compares as follows with the expenditure incurred during the previous year :—

| | CALCUTTA MINT. | | | BOMBAY MINT. | | | BOTH MINTS. | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1911-12. | 1912-13. | Increase + or decrease — in 1912-13. | 1911-12. | 1912-13. | Increase + or decrease in 1912-13. | 1911-12. | 1912-13. | Increase + or decrease — in 1912-13. |
| | R | R | R | R | R | R | R | R | R |
| Fixed establishment . | 1,94,160 | 2,01,964 | +7,804 | 2,20,275 | 2,13,571 | —6,704 | 4,14,435 | 4,15,535 | +1,100 |
| Temporary establishment and overtime pay . . . | 1,14,899 | 1,81,704 | +66,805 | 1,70,005 | 1,76,734 | +6,729 | 2,84,904 | 3,58,438 | +73,534 |
| TOTAL . | 3,09,059 | 3,83,668 | +74,609 | 3,90,280 | 3,90,305 | +25 | 6,99,339 | 7,73,973 | +74,634 |

9. *Miscellaneous Work.*—The amount of miscellaneous work done in the two Mints is shown in the table below :—

| YEAR. | CALCUTTA MINT. | | | BOMBAY MINT. | | | BOTH MINTS. | | |
|---|---|---|---|---|---|---|---|---|---|
| | Cost of work done. | Amount realised. | Profit. | Cost of work done. | Amount realised. | Profit. | Cost of work done. | Amount realised. | Profit. |
| | R | R | R | R | R | R | R | R | R |
| 1911-12 . . . | 45,291 | 56,012 | 10,721 | 1,46,244 | 2,70,332 | 1,24,088 | 1,91,535 | 3,26,344 | 1,34,809 |
| 1912-13 . . . | 56,901 | 83,873 | 26,972 | 10,125 | 10,769 | 644 | 67,026 | 94,642 | 27,616 |

"Indian titles" badges, and medals and decorations for the Army Department and for various public institutions were struck, scales and weights were supplied to certain Government Departments, and some miscellaneous work was undertaken for the public.

## II.—WORKING OF THE ASSAY OFFICES AT CALCUTTA AND BOMBAY DURING THE YEAR 1912-13.

10. *Number of Assays.*—Apart from a number of miscellaneous assays, the gold and silver assays made during the years 1911-12 and 1912-13 were as follows :—

| YEAR. | CALCUTTA ASSAY OFFICE. | | BOMBAY ASSAY OFFICE. | |
|---|---|---|---|---|
| | Gold. | Silver. | Gold. | Silver. |
| 1911-12 . . . . . | 679 | 11,930 | 372 | 33,530 |
| 1912-13 . . . . . | 423 | 31,313 | 858 | 38,926 |

11. *Meltings for silver standard coinage.*—The average fineness *per mille* of silver meltings for coinage during the year was as follows :—

| | Calcutta. | Bombay. |
|---|---|---|
| Rupees . . . . . | 916·064 | 915·886 |
| Half-rupees . . . . . | 916·204 | 916·015 |
| Quarter-rupees . . . . . | 915·799 | 915·812 |
| One-eighth rupees . . . . . | 915·743 | 915·789 |
| British dollars . . . . . | ... | 899·057 |

12. *Parting assays of silver coins.*—The average proportion of gold found in the silver pyx coins of the Calcutta mintage was ·188 *per mille* for rupees, ·418 for half-rupees, ·430 for quarter-rupees and ·496 for one-eighth rupees. In the Bombay Mint the proportion was ·048 *per mille* for rupees, ·352 for half-rupees, ·303 for quarter-rupees, ·267 for one-eighth rupees, and ·073 for British dollars. The silver coinage of the Calcutta Mint during the year is computed to have contained 6,511 troy ounces of gold of the value of £27,607, and that of the Bombay Mint 9,095 troy ounces of the value of £38,637.

13. *Pyx trials of silver coins.*—The results of the pyx trials in the Calcutta and Bombay Assay Offices are summarised in tabular form below :—

| | TRIALS FOR WEIGHT. | | | TRIALS FOR FINENESS. | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | TOTAL NUMBER OF COINS ASSAYED. | | AVERAGE FINENESS *per mille* OF COINS ASSAYED. | |
| | Number of trials made. | Total number of coins weighed. | Average weight in grains. | Number of trials made. | Singly. | In groups after melting. | Singly. | In groups after melting. |
| CALCUTTA. | | | | | | | | |
| Rupees | 797 | 7,970 | 180·049 | 795 | 7,950 | 15,900 | 916·462 | 916·621 |
| Half-rupees | 39 | 390 | 90·013 | 39 | 390 | 1,560 | 916·393 | 916·582 |
| Quarter-rupees | 80 | 800 | 45·025 | 80 | 800 | 8,000 | 916·418 | 916·560 |
| One-eighth rupees | 127 | 1,270 | 22·522 | 127 | 1,270 | 25,400 | 916·431 | 916·583 |
| BOMBAY. | | | | | | | | |
| Rupees | 1,123 | 22,460 | 180·035 | 1,123 | 5,645 | 28,075 | 916·585 | 916·628 |
| Half-rupees | 20 | 400 | 90·005 | 20 | 100 | 1,000 | 916·544 | 916·665 |
| Quarter-rupees | 24 | 240 | 45·009 | 24 | 120 | 2,400 | 916·707 | 916·837 |
| One-eighth rupees | 63 | 630 | 22·513 | 63 | 315 | 12,600 | 917·134 | 917·162 |
| British dollars | 66 | 1,320 | 415·990 | 66 | 335 | 990 | 900·189 | 900·017 |

In pyx trials of rupees one coin was found in the Calcutta Mint beyond the legal remedy for weight.

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ORDERED that this Resolution, together with the Reports from the Mint and Assay Masters, Calcutta and Bombay, be published in the *Gazette of India*.

J. B. BRUNYATE,
*Secretary to the Government of India.*

# REPORT ON THE WORKING OF THE CALCUTTA MINT.

No. 1531, dated the 2nd June 1913.

From—Captain G. H. WILLS, M.V.O., R.E., Offg. Master of the Mint, Calcutta,
To—The Secretary to the Government of India, FINANCE DEPARTMENT, Simla.

I have the honour to submit the report on the operations of the Calcutta Mint for the financial year 1912-13 and append herewith the usual prescribed statements.

2. On the 23rd December 1912, Lieutenant-Colonel W. G. R. Cordue, R.E., Mint Master, proceeded on combined leave for six months. I took over charge of the Mint on that date and continued in charge throughout the remainder of the financial year.

## GOLD.

3. *Receipts.*—The receipts of sovereigns and half sovereigns during the year were less than that of the previous year by R4,20,76,470. The values of the certificates granted for these sovereigns are summarised in the following statement:—

| Tale. | Classification. | Value in Rupees. |
|---|---|---|
| 1,136,633 | Sovereigns and half sovereigns of current weight . . | 1,70,49,315 |
| 23,162 | Sovereigns and half sovereigns of short weight or not more than 3 grains less than standard weight, nominal value . . . . . | 3,47,220 |
| 55 | Dumb and defective sovereigns of current weight, nominal value . . . . . | 825 |
| | | 1,73,97,360 |

All the current weight sovereigns were remitted to the currency office.

4. Under instructions received from the Comptroller General in his letter No. 3 Resource and Currency, dated 21st October 1912, a remittance of gold to the aggregate value of £53,887-10-0 was made to England during the year.

5. The gold received from Treasuries and other Government Departments amounted in value to R3,223 and comprised—

| Tale. | Classification. | Value in Rupees. |
|---|---|---|
| | RECEIVED FROM TREASURIES. | |
| 10 | Sovereigns of current weight unfit for reissue . . | 150 |
| 9 | Sovereigns of short weight or not more than 3 grains less than standard weight, nominal value . . . . | 135 |
| 80 | Sovereigns of reduced weight or less than 3 grains less than standard weight, Bullion value . . . . | 1,133 |
| | FROM OTHER GOVERNMENT DEPARTMENTS. | |
| | Bullion . . . . . | 1,805 |
| | | 3,223 |

6. *Receipts.*—The receipts comprised silver bars and dollars purchased by the Secretary of State on behalf of the Currency Department. The total aggregate standard value received in shipments direct from England amounted to standard tolas 4,81,64,178 and through the Hongkong and Shanghai Banking Corporation standard tolas 88,33,673. The purchase price brought to account

was ₹3,79,65,629. The entire quantity of silver referred to above was received between the months of October 1912 and February 1913 and the coinage completed by 12th March 1913.

7. There were the usual receipts of uncurrent silver coins from Treasuries amounting in nominal value to ₹1,76,37,888 and, in addition, a remittance from the Nepal Durbar of the nominal value of ₹1,05,12,300.

8. The following statement shows these receipts classified after examination :—

CLASSIFICATION OF UNCURRENT COINS RECEIVED DURING THE YEAR 1912-13.

| | In thousands of Rupees. |
|---|---|
| Government Rupees and Half Rupees of 1835 . . . | 2,460·7 |
| Ditto ditto of 1840, 1st Issue . | 3,631·0 |
| Ditto ditto of 1840, 2nd Issue . | 10,220·1 |
| Government shroff marked, defective and dumb coins . . | 1,309·0 |
| Ditto worn coins . . . . . | 9,584·6 |
| Ditto reduced coins . . . . . | 30·1 |
| Ditto soldered coins . . . . . | 260·3 |
| Ditto George V 1911 Rupees . . . . . | 654·1 |
| Murshidabad Rupees . . . . . | ·3 |
| | 28,150·2 |

9. The Nepal Durbar remittance was received into the Mint on 3rd January 1913 and was examined and recoined at the rate of 2½ lakhs per day; the work being finished by 4th March 1913. This recoinage went on simultaneously with the coinage of the bar silver received on behalf of the Currency Department, and under an arrangement with the Comptroller General the Durbar took delivery of ₹25,00,000 from the Mint in part of payment of their remittance.

10. *Coinage.*—The silver coinage executed by the Mint for the Government of India consisted of rupees, ½ rupees, ¼ rupees, and ⅛ rupees. Details of this coinage are shown in Statement II appended to this report. As compared with the previous year the figures are as follows :—

| | Number of pieces. | Nominal value. |
|---|---|---|
| 1911-12 . . . . . | 25,089,004 | 1,55,00,111 |
| 1912-13 . . . . . | 104,858,423 | 8,37,58,651 |

11. There were, during certain periods of the year, urgent demands for the fractional coinage especially in the last month of the financial year.

12. *Percentage of good coins.*—The weights in tolas of silver passed through the laminating rolls for conversion into coins, and the percentages of finished coin obtained therefrom, were as follows :—

| | Weight of Ingots rolled. Lakhs of tolas. | Percentage of good coins. |
|---|---|---|
| Rupees . . . | 1,189·30 | 67·3 |
| Half Rupees . . | 25·80 | 65·6 |
| Quarter Rupees . . | 35·60 | 67·1 |
| Eighth Rupees . . | 29·30 | 65·1 |

The percentages are rather lower than usual. This is accounted for by the large output required which did not allow of the special precautions to ensure high averages which prevail under easier working conditions.

13. The Assay Master's report on the pyx trials shows that the coins issued in the year were within legal remedy both in weight and fineness.

14. Operative losses :—The following balance statement shows the result of silver coinage operations for the year under review :—

| | ₹ | | ₹ |
|---|---|---|---|
| Opening balances | 16,77,625 | Issues . . . | 8,36,46,154 |
| Receipts . . | 8,48,71,596 | Closing balances . | 28,26,052 |
| | | Operative loss . . | 77,015 |
| Total . | 8,65,49,221 | Total . | 8,65,49,221 |

This gives a rate of 92·0 per lakh on a coinage of 837·4 lakhs of good coins coined. Owing to the large amount of work near the end of the financial year it was impossible to make all recoveries from the drosses. At a conservative estimate the amount remaining which will be recovered during 1913-14 is 5,000 standard tolas. Taking this into account the rate of loss becomes 88 per lakh approximately. This is directly comparable with the figures given in paragraph 12 of the report for 1910-11 and in paragraph 11 of the report for 1911-12, *viz.*, 85 and 86·7 per lakh respectively.

In all three years "gain by assay benefit" and "gain by overstandard value of uncurrent coins withdrawn" have been shown as a part of receipts.

This renders comparison between the Mints and between any two years of the same Mint impracticable as the amount of assay benefit on the various forms of bullion is altered at the discretion of the Mint Master from time to time as found necessary. Attention is being given to this point with a view to a more correct statement.

Surplus silver to the standard value of R1,797 was recovered by a general clean up and credited to Government.

## BRONZE AND COPPER.

15. In Statement No. II appended to this report the details of the Bronze and Copper coinage appear. The Bronze coinage amounted to 146,305,134 pieces valued at R19,14,962 as compared with 63,443,524 pieces valued at R9,25,625 in the previous year.

16. In addition to this 9,350,528 pieces of cents and ½ cents valued at R76,028 were struck for the Ceylon Government and for the Straits Government 600,000 pieces valued at R6,750. These coinages were in copper.

17. The Sailana Durbar, under sanction of Government conveyed in letter No. 1829-F., dated 19th March 1912, were supplied with R3,500 worth of bronze pice. The coins bore the same reverse as hitherto used on coins for this State, the effigy of His late Majesty King Edward VII on the obverse being replaced by that of His Majesty George V.

18. Owing to the depletion of the stock of new copper of which no purchases had been made since February 1909, contracts for the supply of 500 tons of Wallaroo Copper were placed during the financial year. Of this quantity 400 tons were received before the close of the year under review.

19. Operative losses:—The bronze operative losses written off the accounts amounted to Mds. 126·8 as detailed below:—

Melting loss Mds. 112·6 at ·44 per 100 Mds. melted.

Coining loss Mds. 14·2 at ·05 per 100 Mds. of new coins coined.

20. The loss on copper coinage amounted to Mds. 25·9. This loss was met by the charges for coinage recovered from the Ceylon and Straits Governments.

## MISCELLANEOUS.

21. The frontispiece to this report illustrates the various medals and orders designed and prepared in this Mint during the year under review.

22. Illustration I represents the new obverse of the "Peace" medal inaugurated during the reign of His late Majesty Edward VII for the purpose of presentation by Local Governments and Administrations. The obverse die was made from the authorized design of His Majesty George V sent out by the India Office for use on medals and coins in India.

23. As a result of the visit of His Majesty George V to India, the Government of India issued orders to this Mint to submit designs for a badge to be known as the "Indian titles" badge. The Engraver prepared designs and that illustrated on the frontispiece, plate No. 4, was approved by Government. The general design of the badge is identical for the 9 Indian titles of Diwan, Sirdar, Khan, Rai and Rao Bahadur and Khan, Rai, Rao and Sirdar Sahib. The first five are of silver gilt and the remainder of silver, differences being also made in the colour of the riband encircling the effigy of His Majesty.

24. All previous holders of these titles were awarded the badge of their rank as also the recipients of these honours during the new year.

Badges were struck, engraved and supplied in suitable cases to all Local Governments and Administrations throughout India, Burma and the British possessions in Arabia. The total issues numbered 2,100.

25. The Kaisar-i-Hind Medal was redesigned with the new Royal Cypher; it was at the same time reduced in size and made generally neater than the original. The altered decoration is shown as No. 2 on the illustrated plate.

26. Under instructions from the Government of India in the Army Department, the Mint prepared the new "Abor" clasp which has been issued to the troops serving in the late Abor Expedition. These clasps are attached to the I. G. S. Medal of 1908. 6,700 medals and 7,000 clasps were struck and supplied to the Army Department during the financial year under report.

27. At the request of the Inspector of Schools, Orissa Division, the Mint designed an agricultural medal for "Nature Study." The dies were prepared by the Head Engraver and an illustration of the design is shown as No. 7.

28. At the request of the Principal of the Civil Engineering College at Sibpur, a medal known as the "Forbes Memorial" was designed by the Head Engraver. The obverse bears the effigy of the late Major General Sir William Nairn Forbes, Bengal Engineers, the Architect and Builder of this Mint and its first Master. The Engraver took as his model the marble statue of Major General Forbes erected by the Honourable Court of Directors of the East India Company to his memory in the Mint.

29. At the request of the Inspector of Schools, Orissa Division, the Mint was asked to prepare a suitable design for a medal to be presented by a private donor to commemorate the occasion of Her Majesty's visit to India during the Durbar of 1912. Illustration No. 6 on the plate represents the final design approved by the committee.

30. In addition to the above the Mint met the usual demands for scales and weights from Treasuries and private concerns, and for gold, silver and bronze medals for Government Institutions and private Schools and Colleges.

## PLANT AND MACHINERY.

31. With the exception of a temporary serious break-down in the supply of electricity from the Mint Power House owing to the defective electric cable which was reported to Government, and some trouble with the gearing of the larger motors to which attention has been called in previous reports, the entire plant worked satisfactorily. During the heavy coinage executed in the year under review, the highest since 1907-08, the electric installation has proved both economical and satisfactory and has justified its introduction. This is the first time that the installation has been called on to cope with a full load. The following figures show the cost of running the Mint generating station during the year, the number of B. T. units generated was 750,407.

| | ₹ |
|---|---|
| Fuel, Establishment and Stores | 29,268 |
| Depreciation at 5 per cent. on plant and 3 per cent. on buildings, and provision for pension | 27,836 |
| Total | 57,104 |

The cost per unit works out to be—

| | | |
|---|---|---|
| Fuel, Establishment and Stores | 0·6240 | annas |
| Depreciation and pension | 0·5936 | „ |
| Total cost per unit | 1·2176 | „ |

The annual recoveries in payment for power and light used in the Mint residential quarters was ₹1,557.

## REVENUE AND EXPENDITURE.

32. *Revenue, Charges Levied.*—The total revenue realized under this account amounted to R11,66,356 of which R11,61,955 represented seignorage duty on new rupee coinage. The amount of R4,057 included R3,865 which represented the premelting fees on silver purchased from the Hongkong and Shanghai Banking Corporation.

33. *Gain on Coinage Operations.*—R84,814 was credited to this head of account. The amount included an assay benefit of R51,688 on silver purchased by Secretary of State and R26,304 on recoinage of old coin. These items of revenue are referred to in para. 14 of this report.

34. *Cash and Transfer Receipts.*—The amount credited to Revenue under this head was R76,975. Of this amount R11,379 represented the value of articles supplied and work done for private individuals and was in excess of the previous year by R4,044. R6,166 represented value of old stores sold as compared with R3,862 in the previous year. Regarding the transfer items the receipts were in excess of last year by R34,795. The increase under war medals supplied to the Military Department is entirely due to the issue of 1908 medals with the "Abor" clasp to troops who served in the late expedition.

35. *Expenditure, Loss on Coinage Operations.*—The total expenditure brought to account amounted to R4,80,926. Of this amount R3,88,838 represented loss on old silver coins withdrawn from circulation. The heavy receipts as detailed in para. 7 of this report have resulted in a heavier loss being written off the accounts in the year under review. R77,015 represents the coinage losses written off the accounts ; a detailed reference is made to this item in para. 14 of this report.

36. *Copper, Bronze and Nickel.*—The increased expenditure under alloy is commensurate with the increased silver coinage done during the year.

37. *Salaries and Establishment.*—As compared with the previous year the expenditure has been increased by R74,608. In comparison with the previous year, four times as many silver coins were struck of a value six times as great during the year under review and the bronze coinage was more than doubled both in number of pieces and in value. The increase in cost of Establishment of 25 per cent. is therefore very moderate. Practically the whole of it, *viz.*, R66,804, was incurred in the payment of extra hands.

38. *English and Local Stores.*—The total expenditure amounted to R2,02,866 and was in excess of the year previous by R1,20,653. The heavy expenditure in coal and coke is due to the increased meltings in the Silver and Bronze Departments.

39. *Contingent Charges.*—The total expenditure under this account is in excess of the previous year by R783, the chief items of increase being under "postage and telegrams" and "scales and weights." It may be mentioned here that the Calcutta Corporation has allowed the Mint a rebate of R11,989 on the taxes paid during 1912-13 in consequence of the transfer of Mint land and buildings referred to in paragraph 36 of the previous report. This rebate will be adjusted in the accounts for 1913-14 as the amount was not paid in during the financial year under report.

40. *Transfer Charges.*—These amounted to R28,548. Heavy purchases of coin bags from the Central Jail at Alipore, to meet the requirements for increased silver and bronze coinage, accounts for the increased expenditure under this head.

41. *Pro formâ Receipts and Charges.*—On the receipt side a credit of R2,87,244 appears, which represents the approximate credit at 15 per cent. on the value of new bronze coins manufactured during the year to meet working expenses. On the charge side R3,74,663 represents the interest at $3\frac{1}{2}$ per cent. on Capital Account and the balance held in the Mint at the close of the year. Regarding the silver balances this was kept at a minimum up to October 1912, when the purchased silver started arriving. During the 5 months ending February 1913 the balances were heavy, but by the close of the financial year were again reduced to normal.

42. *Resume.*—The year closed with a small debit balance of R2,048 which practically disappears if credit be taken for refund of assessment mentioned above amounting to R11,989. This result is due to the revenue realised under seignorage on the new rupee coinage. As the total coinage of the year, if equally distributed over the whole year, would have entailed ordinary full time working throughout, it may be inferred from the above figures that the seignorage rates of 2 per cent. on silver coinage and 15 per cent. on bronze are assessed at the correct rates to cover minting costs.

43. *General.*—The work of the staff under the heavy strain of full pressure work with long periods of overtime was throughout excellent.

## COUNTERFEIT COINS.

44. The Assay Master's report on counterfeiting states that 237 assays were made on coins received from the Mint, Police Officers, Magistrates and Treasury Officers. The number of coins received by him during the year for examination and report amounted to 528 as compared with 442 in the previous year.

Of the above number, 3 were Kabuli rupees and 14 were sovereigns ; 8 of these latter coins were reported as very well executed cast counterfeit sovereigns. The finenesses of the coins assayed ranged from 3·10 to 94·52 per cent. of silver.

45. The Mint eliminated during the course of examination of withdrawn coins from Treasuries 3,019 rupees, 58 half rupees, 407 quarter rupees and 704 one-eighth rupees counterfeits. Statement IV attached to this report shows in detail the receipt at the Mint of counterfeit coins forwarded under the provisions of Article 580, Civil Account Code, and Government Resolution No. 1004A, dated 21st February 1901.

46. The receipts of counterfeit coins for expert opinion still continues to be heavy, a large majority of these coins being received from Police Departments as exhibits in criminal cases. In addition to these the Mint has been constantly asked to settle disputes between Government Departments and the public regarding the cutting of suspected counterfeit coins. A fairly large number of disputes also arose between Treasuries and the district post offices. There being no definite orders on the subject as to whether the Mint should act as arbiters in such disputes, such requests have been refused unless special sanction has been obtained. The receipt and return of such cases causes a great deal of unnecessary labour and expense, and I consider that some definite orders should issue on the point.

47. The Mint credited to Government silver to the value of R248 extracted from counterfeit coins.

## OFFENCES AGAINST COINAGE.

48. The usual statement of "offences against coinage" is appended to this report. It will be seen that the total number of cases brought to trial during the year was 16 less than that of the previous year. The ratio of the number of persons convicted to that of the number of persons brought to trial was 57·1 as compared with 56·5 of the last year. A decrease in the number of cases scheduled under Sections 231 and 232 with a corresponding increase in the cases scheduled under Section 235, Indian Penal Code—possessing instruments or materials for counterfeiting coins—is noticeable in the year under review.

## Statement No. I of 1912-13.

### ACCOUNT OF THE TOTAL REVENUE AND EXPENDITURE OF THE CALCUTTA MINT DURING THE YEAR 1912-13.

| REVENUE. | R | a. | p. | R | a. | p. | EXPENDITURES. | R | a. | p. | R | a. | p. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| TO CHARGES LEVIED :— | | | | | | | BY WORKING EXPENSES :— | | | | | | |
| *Silver*— | | | | | | | *Silver*— | | | | | | |
| Percentage on new rupee coinage | 11,61,955 | 0 | 0 | | | | Operative losses | 77,014 | 15 | 0 | | | |
| Seigniorage on Dollar coinage | ..... | | | | | | Loss by overstandard weight and fineness of new coins issued | 14,566 | 12 | 0 | | | |
| Seigniorage on Subsidiary coinage for Colonial Governments | ..... | | | | | | Loss by understandard value of uncurrent Silver Coins withdrawn from circulation | ..... | | | | | |
| Premelting fees | 4,056 | 12 | 4 | | | | Loss on withdrawal of uncurrent Silver Coins | 3,88,837 | 12 | 11 | | | |
| Assay and melting fees (Private) | 342 | 6 | 11 | | | | | | | | 4,80,419 | 7 | 11 |
| | | | | 11,66,354 | 3 | 3 | *Gold*— | | | | | | |
| | | | | | | | Loss in melting | 85 | 1 | 0 | | | |
| | | | | | | | Other items | 421 | 3 | 3 | | | |
| *Gold*— | | | | | | | | | | | 506 | 4 | 3 |
| On Bullion from Government Department | 1 | 6 | 9 | | | | BY MISCELLANEOUS CHARGES.— | | | | | | |
| | | | | 1 | 6 | 9 | Pyx coins to Royal Mint | 154 | 4 | 0 | | | |
| TO GAIN ON COINAGE OPERATIONS :— | | | | | | | Other items | 1,765 | 3 | 1 | | | |
| | | | | | | | | | | | 1,919 | 7 | 1 |
| | | | | | | | BY COPPER, BRONZE AND NICKEL :— | | | | | | |
| | | | | | | | Used as alloy | 45,689 | 5 | 9 | | | |
| *Silver*— | | | | | | | Used for contingent purposes | 962 | 11 | 0 | | | |
| Gain by Assay benefit | 51,688 | 8 | 5 | | | | | | | | 46,652 | 0 | 9 |
| Gain by understandard weight and fineness of new coins issued | ..... | | | | | | BY SALARIES AND ESTABLISHMENT :— | | | | | | |
| Gain by overstandard value of uncurrent Silver Coins withdrawn from circulation | 26,303 | 11 | 1 | | | | Fixed Establishment | 2,01,963 | 10 | 1 | | | |
| Other items | 6,678 | 15 | 4 | | | | Extra Establishment and overtime pay | 1,81,704 | 4 | 0 | 3,83,667 | 14 | 1 |
| | | | | 84,671 | 2 | 10 | BY LOCAL STORES :— | | | | | | |
| | | | | | | | Coke, Coal, Charcoal, etc. | 48,042 | 2 | 9 | | | |
| | | | | | | | Liquid fuel | ..... | | | | | |
| *Gold*— | | | | | | | Oil, Grease and Tallow | 10,768 | 5 | 8 | | | |
| Miscellaneous | 142 | 13 | 0 | | | | Acids | 853 | 14 | 3 | | | |
| | | | | 142 | 13 | 0 | Iron, Brassmongery, etc. | 11,293 | 7 | 0 | | | |
| | | | | | | | Metals | 56 | 7 | 9 | | | |
| TO CASH RECEIPTS :— | | | | | | | Wood for Boxes | 19,377 | 9 | 6 | | | |
| For scales, weights and other articles supplied and work done for private individuals | 11,378 | 13 | 10 | | | | Bullion Trucks, Moulds, etc. | ..... | | | | | |
| For Old Stores, etc., sold | 6,165 | 11 | 3 | | | | Electrical Stores | 726 | 7 | 9 | | | |
| Rents recovered from residential quarters | 600 | 0 | 0 | | | | Miscellaneous | 13,449 | 10 | 7 | 1,04,568 | 1 | 3 |
| Cost of Electric current consumed | 1,557 | 4 | 0 | | | | BY ENGLISH STORES :— | | | | | | |
| Miscellaneous | 132 | 0 | 0 | | | | Value of Stores used | 99,050 | 0 | 8 | | | |
| | | | | 19,833 | 13 | 1 | Less $\frac{1}{8}$ freight charged as below. | 752 | 8 | 2 | 98,297 | 8 | 6 |
| Carried over | ..... | | | 12,71,003 | 6 | 11 | Carried over | ..... | | | 11,16,030 | 11 | 10 |

## ACCOUNT OF THE TOTAL REVENUE AND EXPENDITURE OF THE CALCUTTA MINT DURING THE YEAR 1912-13.

| | R a. p. | R a. p. | | R a. p. | R a. p. |
|---|---|---|---|---|---|
| Brought forward . | ..... | 12,71,003 6 11 | Brought forward . | ..... | 11,16,030 11 10 |
| TO TRANSFER RECEIPTS:— | | | BY CONTINGENT CHARGES:— | | |
| | | | Books and Periodicals . | 376 2 0 | |
| For scales, weights and other articles supplied and work done for other Government Departments . . . | 43,679 4 2 | | Cart, Coolie and Boat hire . | 510 8 3 | |
| | | | Postage and Telegrams . | 1,105 13 6 | |
| For War medals for Military Departments . . . | 5,564 7 5 | | Inspection of Boilers . | 76 0 0 | |
| | | | Rents, Rates, and Taxes . | 40,947 10 0 | |
| For charges in connection with Colonial coinages . | 7,897 8 9 | | Electricity and Gas . . | ..... | |
| | | 57,141 4 2 | Freight on Europe Stores . | 752 8 2 | |
| | | | Water-supply . . . | ..... | |
| | | | Plague and other Allowances . . . . . | ..... | |
| | | | Furniture . . . . | 23 2 0 | |
| | | | Scales and weights . . | 1,525 2 0 | |
| | | | Livery of Peons . . | 14 0 0 | |
| | | | Miscellaneous . . . | 4,016 3 6 | 49,347 1 5 |
| | | | BY TRANSFER CHARGES:— | | |
| | | | Coin Bags . . . . | 14,470 15 7 | |
| | | | Landing and Shipping . | 10,268 10 3 | |
| | | | Articles supplied and work done by other Government Departments . . | 3,808 5 2 | 28,547 15 0 |
| | | | BY P. W. D. CHARGES:— | | |
| | | | Repairs and Alterations to Buildings . . . | 13,388 0 0 | 13,388 0 0 |
| | | | BY MISCELLANEOUS CHARGES EXTERNAL TO MINT:— | | |
| | | | Stationery . . . | 2,494 0 0 | |
| | | | Printing . . . . | 3,571 0 0 | 6,065 0 0 |
| TOTAL . | ..... | 13,28,144 11 3 | TOTAL . | ..... | 12,13,378 12 3 |
| | | | By Balance . | ..... | 1,14,765 15 0 |
| To Balance . | ..... | ..... | TOTAL . | ..... | 13,28,144 11 3 |
| TOTAL . | ..... | 13,28,144 11 3 | Total Brought down . | ..... | 12,13,378 12 3 |
| Total Brought down . | ..... | 13,28,144 11 3 | By *pro formâ* Charges:— | | |
| TO *pro formâ* Receipts:— | | | 1/6 of salaries of superior servants . . . | 29,193 0 0 | |
| Percentage on value of Bronze coins manufactured | 2,87,244 0 0 | | 1/16 of salaries of inferior servants . . . | 197 0 0 | 29,395 0 0 |
| Medals for Royal Army Temperance Association . . | ..... | | Interest on— | | |
| | | | Capital account valued at . | 66,73,519 0 0 | |
| Weights supplied to Treasuries . . . . | ..... | | Average Silver balance . | 22,32,970 0 0 | |
| | | | ,, Bronze ,, . | 5,92,876 0 0 | |
| | | 2,87,244 0 0 | ,, Nickel ,, . | ..... | |
| | | | Europe Store ,, . | 2,05,303 0 0 | |
| | | 16,15,388 11 3 | @3½ per cent. on . . | 1,07,04,668 0 0 | 3,74,663 6 0 |
| To Balance . | ..... | 2,048 7 0 | | | 16,17,437 2 3 |
| | | | By Balance . | ..... | ..... |
| GRAND TOTAL | ..... | 16,17,437 2 3 | GRAND TOTAL . | ..... | 16,17,437 2 3 |

## ABSTRACT of CAPITAL ACCOUNT of the CALCUTTA MINT to the end of the year 1912-13.

| | Land. | Buildings. | Plant. | TOTAL. | | Land. | Buildings. | Plant. | TOTAL. |
|---|---|---|---|---|---|---|---|---|---|
| | ₹ | ₹ | ₹ | ₹ | | ₹ | ₹ | ₹ | ₹ |
| Total expenditure on Capital Account brought forward from last year . . | 12,67,676 | 32,36,895 | 23,55,301 | 68,59,872 | Value of Stores lost or destroyed . . | ... | ... | 420 | 420 |
| Expenditure during the year by P. W. D. . | ... | 15,139 | ... | 15,139 | Value of building demolished . . . | ... | ... | ... | ... |
| Other Items— | | | | | | | | | |
| Weighing machine | ... | ... | 296 | | Depreciation at 5 per cent. on plant and 3 per cent. on building . . . | ... | 97,106 | 1,17,744 | 2,14,850 |
| Roturbo pump . | ... | ... | 1,317 | | | | | | |
| Drilling machine . | ... | ... | 2,717 | | | | | | |
| Plane Table . . | ... | ... | 477 | | | | | | |
| Grinding machine | ... | ... | 5,041 | | | | | | |
| Centrifugal pump . | ... | ... | 3,930 | | Balances . . | 12,67,676 | 31,54,928 | 22,50,915 | 66,73,519 |
| | | | 13,778 | 13,778 | | | | | |
| TOTAL . | 12,67,676 | 32,52,034 | 23,69,079 | 68,88,789 | TOTAL . | 12,67,676 | 32,52,034 | 23,69,079 | 68,88,789 |

## No. II of 1912-13.

STATEMENT OF THE COINAGE OF THE CALCUTTA MINT FOR THE YEAR 1912-13.

| | Tale of pieces. | Nominal value. | Total. Tale. | Total. Value. | Remarks. |
|---|---|---|---|---|---|
| | | ₹ a. p. | | ₹ a. p. | |
| SILVER— | | | | | |
| Rupees | 77,922,000 | 7,79,22,000 0 0 | | | |
| Half rupees | 3,389,914 | 16,94,957 0 0 | | | |
| Quarter rupees | 9,587,044 | 23,96,761 0 0 | | | |
| Eighth rupees | 13,959,465 | 17,44,933 2 0 | | | |
| British dollars | Nil. | Nil. | | | |
| | 104,858,423 | 8,37,58,651 2 0 | 104,858,423 | 8,37,58,651 2 0 | |
| BRONZE— | | | | | |
| Single pice | 107,455,909 | 16,78,998 9 3 | | | |
| Half pice | 12,911,328 | 1,00,869 12 0 | | | |
| Pie pieces | 25,937,897 | 1,35,093 3 5 | | | |
| Sailana State pice | 224,000 | 3,500 0 0 | | | |
| | 146,529,134 | 19,18,461 8 8 | 146,529,134 | 19,18,461 8 8 | |
| NICKEL— | | | | | |
| One anna | | | | | |
| COPPER— | | | | | |
| Ceylon cents | 5,855,025 | 58,550 4 0 | | | |
| Ceylon halfcents | 3,495,503 | 17,477 8 3 | | | |
| Ceylon quarter cents | ... | ... | | | |
| Straits cents | ... | ... | | | |
| Straits halfcents | 600,000 | 6,750 0 0 | | | |
| | 9,950,528 | 82,777 12 3 | 9,950,528 | 82,777 12 3 | |
| GRAND TOTAL | | | 261,338,085 | 8,57,59,890 6 11 | |

## No. III of 1912-13.

STATEMENT SHOWING THE COST OF MISCELLANEOUS WORK DONE IN THE CALCUTTA MINT DURING THE YEAR 1912-13.

| Description. | Amount. | Total. | Remarks. |
|---|---|---|---|
| | ₹ a. p. | ₹ a. p. | |
| *Receipt.* | | | |
| Receipt for Medals, Seals, Stamps, etc. | 61,667 11 10 | | |
| Adjusting Weights | 3,403 13 0 | | |
| Sale-proceeds of Treasure Trove Coins | ... | | |
| Miscellaneous | 18,801 12 4 | 83,873 5 2 | |
| *Expenditure.* | | | |
| Engraver's Labour | 2,905 12 0 | | |
| Workshop Do. | 10,056 1 2 | | |
| Jeweller's Do. | 1,113 8 0 | | |
| Stores used (including Gold, Silver and Copper) | 42,825 13 0 | 56,901 2 2 | |
| NET PROFIT | | 26,972 3 0 | |

## No. IV of 1912-13.

STATEMENT of COUNTERFEIT COINS received at the CALCUTTA MINT, showing also those cut and broken at the TREASURIES, compiled from the QUARTERLY RETURNS furnished by TREASURY OFFICERS during the year 1912-13.

| NAME OF PROVINCE. | Nominal value of remittances of the uncurrent coins received at the Mint in thousands of Rs. | COUNTERFEITS RECEIVED AT THE MINT. | | | | | | | | | | | | Counterfeit coins cut at the several Indian Treasuries as per Quarterly Returns furnished by the Treasury Officers and Railway Administrations under Article 590-A (*d*), Civil Account Code, and Government resolution No. A. 6192, dated 10th December 1901. | | | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | In remittances of uncurrent coins from Treasuries. | | | | From Treasury and other officers under Article 580, Civil Account Code, and Government resolution No. 1004-A, dated 21st February 1901. | | | | Received at the Mint for examination. | | | | | | | | |
| | | R | R½ | R¼ | R⅛ | R | R½ | R¼ | R⅛ | R | R½ | R¼ | R⅛ | R | R½ | R¼ | R⅛ | |
| (*a*) and (*b*) India | 14,353·6 | 262 | 6 | 64 | 145 | 5 | .. | 1 | 1 | 23 | ... | 4 | 1 | 3,811 | 169 | 269 | 241 | (*a*) Includes the remittance received from Nepal Durbar. |
| Central Provinces | 103·7 | 11 | ... | ... | 2 | ... | ... | .. | ... | 1 | ... | ... | ... | 1,085 | 34 | 22 | 24 | (*b*) Includes current weight coins received for special examination. |
| (*b*) Burma | 1,391·5 | 222 | 5 | 74 | 67 | 3,598 | 64 | 290 | 67 | 50 | ... | ... | 1 | 10,739 | 187 | 477 | 235 | |
| Bengal | 2,154·3 | 306 | 3 | 49 | 21 | 37 | .. | ... | ... | 78 | 2 | 1 | ... | 34,393 | 1,447 | 1,330 | 759 | |
| Bihar and Orissa | 1,372·1 | 554 | 16 | 31 | 55 | 2 | ... | ... | ... | 3 | ... | ... | ... | 1,517 | 14 | 1 | 4 | |
| Assam | 136·9 | 53 | 1 | 3 | 2 | 5 | 8 | ... | ... | 32 | 5 | 37 | 2 | 1,065 | 42 | 63 | 2 | |
| (*b*) United Provinces | 9,494·6 | 1,278 | 15 | 105 | 176 | 197 | 5 | 1 | 4 | 148 | ... | ... | ... | 14,658 | 479 | 480 | 461 | |
| (*b*) Punjab | 2,192·0 | 259 | 11 | 68 | 221 | 1 | ... | ... | ... | 286 | 1 | 1 | 1 | 13,333 | 543 | 617 | 260 | |
| (*b*) Madras | 501·9 | 74 | 1 | 13 | 15 | 1 | ... | ... | ... | ... | ... | ... | ... | 87 | 17 | 13 | 7 | |
| State Railways | ... | ... | ... | ... | ... | 157 | 8 | 2 | 1 | 5 | ... | ... | ... | 2,700 | 349 | 393 | 333 | |
| TOTAL | 31,700·6 | 3,019 | 58 | 407 | 704 | 4,003 | 85 | 294 | 73 | 626 | 8 | 43 | 5 | 83,388 | 3,281 | 3,665 | 2,326 | |

No.

STATEMENT of OFFENCES

| | COUNTERFEITING COIN, SECTIONS 231 AND 232, INDIAN PENAL CODE. | | | MAKING, BUYING AND SELLING INSTRUMENTS FOR COUNTERFEITING COINS, SECTIONS 233 AND 234, INDIAN PENAL CODE. | | | POSSESSING INSTRUMENTS OR MATERIAL FOR COUNTERFEITING COINS, SECTION 235, INDIAN PENAL CODE. | | | ABETTING IN INDIA THE COUNTERFEITING OF COINS, SECTION 236, INDIAN PENAL CODE. | | | IMPORTING OR EXPORTING COUNTERFEITED COINS, SECTIONS 237 AND 238, INDIAN PENAL CODE. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | | | 2 | | | 3 | | | 4 | | | 5 | | |
| | Number of cases brought to trial. | Number of persons tried. | Number of persons convicted. | Number of cases brought to trial. | Number of persons tried. | Number of persons convicted. | Number of cases brought to trial. | Number of persons tried. | Number of persons convicted. | Number of cases brought to trial. | Number of persons tried. | Number of persons convicted. | Number of cases brought to trial. | Number of persons tried. | Number of persons convicted. |
| 1. Madras | 8 | 22 | 3 | ... | ... | ... | 10 | 19 | 7 | ... | ... | ... | ... | ... | ... |
| 2. Bombay | 4 | 7 | 4 | ... | ... | ... | 8 | 12 | 4 | ... | ... | . | ... | ... | ... |
| 3. Bengal | 5 | 9 | 7 | ... | ... | ... | 15 | 18 | 9 | ... | ... | ... | ... | ... | ... |
| 4. Bihar and Orissa | 2 | 2 | 2 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 5. Assam | ... | ... | ... | ... | ... | ... | 2 | 4 | 2 | ... | ... | ... | ... | ... | ... |
| 6. United Provinces of Agra and Oudh including Kumaon (Tehri State) and Rampur. | 3 | 9 | 5 | ... | ... | ... | 2 | 2 | 2 | ... | ... | ... | 4 | 6 | 6 |
| 7. Punjab | 5 | 5 | 4 | ... | ... | ... | 21 | 25 | 14 | ... | ... | ... | ... | ... | ... |
| 8. Burma | 15 | 22 | 9 | ... | ... | ... | 15 | 22 | 6 | ... | ... | ... | ... | ... | ... |
| 9. Central Provinces and Berar | 1 | 1 | 1 | ... | ... | ... | 3 | 4 | 1 | ... | ... | ... | ... | ... | ... |
| 10. North-West Frontier, Peshawar. | 1 | 1 | 1 | ... | ... | ... | 4 | 5 | 3 | ... | ... | ... | ... | ... | ... |
| 11. Ajmer-Merwara | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 12. Baluchistan | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 13. Coorg | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 14. Central India Agency | ... | ... | ... | ... | ... | ... | ... | .. | ... | ... | ... | ... | ... | ... | ... |
| 15. Rajputana Agency | 1 | 1 | 1 | ... | ... | ... | 3 | 6 | ... | ... | ... | ... | ... | ... | ... |
| 16. Hyderabad | 1 | 3 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 17. Mysore | 1 | 2 | ... | ... | ... | ... | 2 | 2 | 2 | ... | .. | ... | ... | ... | ... |
| 18. Kashmir | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 19. Baroda | 1 | 1 | ... | ... | ... | ... | ... | ... | ... | ... | .. | ... | ... | ... | ... |
| TOTAL | 48 | 85 | 37 | ... | ... | ... | 85 | 119 | 50 | ... | ... | ... | 4 | 6 | 6 |

V.

against COINAGE for 1912.

| POSSESSING AND DELIVERING COUNTERFEITED COINS, SECTIONS 239, 240, 241, 242 AND 243, INDIAN PENAL CODE. | | | CAUSING COINS TO BE OF DIFFERENT WEIGHT OR COMPOSITION FROM THAT FIXED BY LAW, SECTIONS 224, 246 AND 247, INDIAN PENAL CODE. | | | TAKING COINING INSTRUMENTS FROM A MINT, SECTION 245, INDIAN PENAL CODE. | | | FRAUDULENTLY ALTERING APPEARANCE OF ANY COINS, SECTIONS 248 AND 249, INDIAN PENAL CODE. | | | POSSESSING AND DELIVERING ALTERED COINS, SECTIONS 250, 251, 252, 253 AND 254, INDIAN PENAL CODE. | | | TOTAL. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 6 | | | 7 | | | 8 | | | 9 | | | 10 | | | 11 | | |
| Number of cases brought to trial. | Number of persons tried. | Number of persons convicted. | Number of cases brought to trial. | Number of persons tried. | Number of persons convicted. | Number of cases brought to trial. | Number of persons tried. | Number of persons convicted. | Number of cases brought to trial. | Number of persons tried. | Number of persons convicted. | Number of cases brought to trial. | Number of persons tried. | Number of persons convicted. | Number of cases brought to trial. | Number of persons tried. | Number of persons convicted. |
| 22 | 22 | 11 | .. | ... | ... | ... | ... | ... | ... | ... | ... | 10 | 8 | 7 | 50 | 71 | 28 |
| 24 | 26 | 24 | ... | ... | ... | ... | ... | ... | 1 | 1 | 1 | 3 | 3 | 1 | 40 | 49 | 34 |
| 9 | 74 | 43 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 79 | 101 | 59 |
| 6 | 8 | 7 | ... | ... | ... | ... | ... | ... | ... | ... | ... | 3 | 3 | 3 | 11 | 13 | 12 |
| 8 | 8 | 6 | ... | ... | ... | ... | ... | ... | ... | ... | ... | 2 | 2 | 2 | 12 | 14 | 10 |
| 49 | 68 | 55 | ... | ... | ... | .. | ... | ... | 1 | 1 | 1 | 2 | 2 | 1 | 61 | 88 | 70 |
| 66 | 75 | 35 | 1 | 1 | 1 | ... | ... | ... | ... | ... | ... | 1 | 1 | ... | 94 | 107 | 54 |
| 59 | 78 | 44 | 2 | 3 | ... | ... | ... | ... | ... | ... | ... | ... | .. | ... | 91 | 125 | 59 |
| 9 | 9 | 5 | .. | ... | ... | ... | ... | ... | 2 | 2 | 1 | 5 | 6 | 4 | 20 | 22 | 12 |
| 3 | 8 | 7 | .. | .. | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 8 | 14 | 11 |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 1 | 1 | ... | ... | ... | ... | ... | .. | ... | ... | ... | ... | 2 | 2 | 2 | 3 | 3 | 2 |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 6 | 5 | 4 | ... | ... | .. | ... | ... | ... | ... | ... | ... | 1 | 2 | 1 | 7 | 7 | 5 |
| 7 | 9 | 5 | ... | ... | ... | ... | ... | ... | ... | ... | ... | 2 | 3 | 2 | 13 | 19 | 8 |
| 1 | 1 | 1 | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 | 1 | 1 | 3 | 5 | 2 |
| 3 | 7 | 3 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 6 | 11 | 5 |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 3 | 3 | 2 | ... | .. | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 4 | 4 | 2 |
| 326 | 402 | 252 | 3 | 4 | 1 | ... | ... | ... | 4 | 4 | 3 | 32 | 33 | 24 | 502 | 653 | 373 |
| | | | | | | | | | | | | | | TOTAL OF 1911 . | 518 | 691 | 391 |

# REPORT ON THE WORKING OF HIS MAJESTY'S ASSAY OFFICE, CALCUTTA.

No. 50, dated Calcutta, the 14th June 1913.

From—LIEUT.-COLONEL F. CUNYNGHAME HUGHES, I.A., F.C.S., M.I.M.M., OFFG. ASSAY MASTER, CALCUTTA,

To—The Secretary to the Government of India, FINANCE DEPARTMENT.

I have the honour to submit the following report on the working of the Assay Department, Calcutta, for the official year 1912-13.

2. The appended statement gives the number of assays made during the year :—

| Description. | 1912-13. | | 1911-12. | |
|---|---|---|---|---|
| | Number. | Total. | Number. | Total. |
| **GOLD.** | | | | |
| Assays on gold from all sources | 239 | | 471 | |
| Check assays | 184 | | 208 | |
| | | 423 | | 679 |
| **SILVER.** | | | | |
| Assays on silver alligated for standard coinage— | | | | |
| for rupees 12,444 | | | | |
| ,, ½-rupees 404 | | | | |
| ,, ¼-rupees 866 | 14,458 | | 3,480 | |
| ,, ⅛-rupees 744 | | | | |
| Do. pyx coins | 13,609 | | 4,389 | |
| Do. miscellaneous | 2,476 | | 3,235 | |
| Check assays | 770 | | 826 | |
| | | 31,313 | | 11,930 |
| **BRONZE.** | | | | |
| Assays on bronze meltings for coinage | 42 | | 35 | |
| Do. pyx coins | 36 | | 24 | |
| Do. miscellaneous | *Nil* | | *Nil* | |
| | | 78 | | 59 |
| **MISCELLANEOUS.** | | | | |
| Parting assays | 104 | | 70 | |
| Assays on various metals and ores | 316 | | 1,420 | |
| Assays on Mint drosses | 51 | | 42 | |
| | | 471 | | 1,532 |
| TOTAL FOR THE YEAR | | 32,285 | | 14,200 |

3. *Gold Assays.*—The total number of gold assays from all sources during the year amounted to 239, of which 24 were done for the Mint.

4. *Average fineness Per mille of Silver Meltings for Coinage* :—

| | Rupees. | ½ Rupees. | ¼ Rupees. | ⅛ Rupees. |
|---|---|---|---|---|
| Average for the year 1912-13 | 916·064 | 916·024 | 915·799 | 915·743 |
| Average for the year 1911-12 | 916·134 | 916·053 | 915·815 | 915·650 |

5. *Gold in Silver Coinage.*—The average proportion of gold found by monthly parting assays in the silver pyx coins was—

| | Per mille. |
|---|---|
| for rupees | 0·188 |
| „ ½-rupees | 0·418 |
| „ ¼-rupees | 0·430 |
| „ ⅛-rupees | 0·496 |

The coinage of the year was computed to contain 6,511 troy ounces of gold in value about £27,607.

6. *Pyx trials of Silver Coins.*—The following tables give the details of the pyx trials of silver coins for weight and fineness :—

*Trials for Weight.*

| Description of Coins. | Number of trials. | Total number of coins weight. | Average weight in grains. | Number of coins above the legal remedy for weight. | Number of coins below the legal remedy for weight. |
|---|---|---|---|---|---|
| Rupees . . . . | 797 | 7,970 | 180·049 | 2 | *Nil* |
| Half-rupees . . . . | 39 | 390 | 90·013 | *Nil* | *Nil* |
| Quarter-rupees . . . | 80 | 800 | 45 025 | 9 | 4 |
| One-eighth-rupees . . . | 127 | 1,270 | 22·522 | 25 | 14 |

*Trials for fineness.*

| Description of coins. | Number of trials. | Total number of coins assayed. | | Average fineness per mille of coins assayed. | | Number of coins above the legal remedy for fineness. | Number of coins below the legal remedy for fineness. |
|---|---|---|---|---|---|---|---|
| | | Singly. | In groups after melting. | Singly. | In groups after melting. | | |
| Rupees . . . . | 795 | 7,950 | 15,900 | 916·462 | 916·621 | *Nil* | *Nil* |
| Half-rupees . . . | 39 | 390 | 1,560 | 916·393 | 916·582 | *Nil* | *Nil* |
| Quarter-rupees . . | 80 | 800 | 8,000 | 916·418 | 916·560 | *Nil* | *Nil* |
| One-eighth-rupees . . | 127 | 1,270 | 25,400 | 916·431 | 916·583 | *Nil* | *Nil* |

7. *Bronze meltings and pyx coins.*—

| Description. | Copper per cent. | Tin per cent. | Zinc per cent. |
|---|---|---|---|
| Average fineness of Bronze meltings for 1912-13 | 94·798 | 4·226 | 0·943 |
| Ditto for 1911-12 | 94·767 | 4·100 | 1·060 |
| Average fineness of Bronze pyx coins for 1912-13 | 94·841 | 4·192 | 0·975 |
| Ditto for 1911-12 | 94·610 | 4·096 | 1·112 |

8. *Miscellaneous Assays.*—Of the 316 assays under the head "Assays on various metals and ores" 280 assays were made for the Mint and for various Police Officers and Magistrates on coins either counterfeit or suspected to be counterfeit or on suspected materials for manufacturing counterfeit coins.

9. *Verification of Weight-pieces.*—No verification was made during the year.

10. The post of Assay Master was held by Lieutenant-Colonel J. J. Bourke, I.M.S., from the beginning of the year under report up to 1st February 1913 and by Lieutenant-Colonel F. C. Hughes, I.A., from 2nd February 1913 till the end of the year.

Lieutenant-Colonel Bourke, in addition to his own, carried out the duties of Deputy Assay Master from 1st April 1912 to 26th January 1913. Lieutenant-Colonel Hughes returned from leave on the 27th January 1913, on which date he resumed charge of the office of Deputy Assay Master.

## Appendix.

During the month of February 1913 certain experiments were carried out in the Mint under the orders of Capt. G. H. Willis, M.V.O., R.E., the Officiating Mint Master, to test the value of a certain alloy of silver and copper for coinage purposes. In conjunction with these experiments assays of the meltings, straps, and coins struck therefrom were carried out by the Assay Department. As these experiments have considerable general interest I have thought it desirable to embody the results obtained in an appendix to my report on the working of the Assay Office.

It has long been known that silver and copper when melted together do not in all cases make an absolutely homogeneous alloy, and considerable variations in fineness will be found in different parts of a bar or strap rolled therefrom unless extreme care is exercised in controlling the conditions under which the melting, stirring, pouring, etc., of the metal are carried out, and even when these conditions are made as perfect as possible, a certain amount of segregation will occur on cooling. These differences vary with the proportions in which the two metals are mixed.

There is however one particular alloy of the two metals in which the proportion of silver to copper approximates 718·9 parts silver to 281·1 part copper having the chemical formula $Ag^3 Cu^4$ which may be considered as absolutely homogeneous. The above alloy was first discovered by Levol in 1854. His theory was that it is a definite combination of the two metals with the formula given above. All other alloys of silver and copper he viewed as mixtures of this definite alloy with excess of either of the constituent metals.

In support of this theory it is well known and a common experience in all Mints that ordinary mintage alloys such as Indian Standard silver 916·6, English standard 925 or the Continental standard 900, will show clear signs of liquation of the constituent metals when poured into ingot moulds and cooled in the usual manner, and variations of 2 parts per mille in different coins or different portions of a strap may easily occur.

The following experiments show that with Levol's alloy this liquation, or enrichment and impoverishment in different parts of the ingot does not occur, and that once the metal has been thoroughly melted and stirred it will cool into a homogeneous alloy which when rolled out and cut into coinage discs will give a regular and concordant assay through the whole strap.

The alloy has proved itself a good coinage mixture, somewhat harder than the ordinary standard alloy which would be distinctly advantageous if it were employed for the subsidiary coinage of small silver pieces which are always subjected to much attrition and wear.

The following table gives details of the assays :—

| | Per mille. |
|---|---|
| *Melting No. 187, Pot 1* | 718·8 |
| Coins cut from the resulting strap: 24 coins were assayed with results varying in fineness from | 719·8 to 718· 6 |
| Average fineness of the coins | 719·20 |
| Difference between highest and lowest coins | 1·20 |
| | = ±0·60 |
| Assay from top of ingot | 717· 9 |
| Do. from middle of ingot | 717. 9 |
| Do. from bottom of ingot | 718. 0 |
| *Melting No. 187, Pot 2* | 719· 2 |
| Coins cut from the resulting strap: 24 coins were assayed with results varying in fineness from | 721·5 to 720· 7 |
| Average fineness of the coins | 721·10 |
| Difference between highest and lowest coins | 0·80 |
| | = ±0·40 |
| Assay from top of ingot | 718· 8 |
| Do. from middle of ingot | 718· 8 |
| Do. from bottom of ingot | 718· 8 |

*N.B.*—Difference in fineness between the metal as poured from the pots and the coins is due to annealing and pickling. This refining occurs in all cases and the amount depends on the treatment employed.

These results show that coins can be struck from the Levol alloy which will vary less than 1 part per mille from the mean and assays of the different portions of the straps show that no segregation of the constituent metals can have taken place, the alloy being homogeneous throughout.

F. CUNYNGHAME HUGHES.

# REPORT ON THE WORKING OF THE BOMBAY MINT.

No. 756, dated Bombay, 13th June 1913.

From—Captain H. J. K. WALLIS, I.A., Officiating Master of the Mint, Bombay,

To—The Secretary to the Government of India, FINANCE DEPARTMENT, Simla.

I have the honour to submit the Annual Report on the operations of the Bombay Mint for the financial year 1912-13, together with the prescribed statements.

2. Major A. L. C. McCormick, R.E., who was Mint Master at the beginning of the year, proceeded on leave on the 15th June 1912, when I assumed charge till the 11th July 1912. Captain G. H. Willis, M.V.O., R.E., was then in charge till the 18th December 1912, since which date I have been officiating as Mint Master.

## GOLD.

3. *Receipts.*—(*a*) The value of sovereigns and half-sovereigns in respect of which Certificates were issued during the year amounted to ₹23,13,94,384 and was in excess of the previous year by ₹1,96,24,524. They are classified as follows :—

| Classification. | Value in Rupees. |
|---|---|
| Sovereigns of current weight | 21,68,82,600 |
| Sovereigns of short weight or not more than 3 grains less than the standard weight (Nominal value) | 1,44,73,395 |
| Half-sovereigns of short weight or not more than 3 grains less than the standard weight (Nominal value) | 38,325 |
| Sovereigns of reduced weight or more than 3 grains less than the standard weight (Bullion value) | 29 |
| Half-sovereigns of reduced weight or more than 3 grains less than the standard weight (Bullion value) | 35 |
| TOTAL | 23,13,94,384 |

(*b*) In addition to the above, 13,154 sovereigns tendered as current weight were found to be reduced, soldered, fraudulently defaced, or of foreign mintage, on detailed examination at the Mint and were withdrawn by the tenderers.

(*c*) With the exception of gold of the value of ₹64 used for medal work, the whole of the gold received, was transferred to the Currency Gold Coin Account.

(*d*) Reduced sovereigns and half-sovereigns of the value of ₹314, which were held on behalf of the Currency Department in the Currency Gold Bullion Account were transferred to the Government Gold Balance Account under Comptroller General's No. B. R. C. 11, dated 29th October 1912.

(*e*) During the year under review two shipments of light weight sovereigns and half-sovereigns of the aggregate value of ₹3,49,30,890, were shipped to London.

(*f*) At the close of the year the balance of the Currency Gold Coin Account amounted to ₹8,80,650 and consisted of sovereigns only.

## SILVER.

4. *Receipts.*—The silver receipts comprised :—

(*a*) Silver purchased for rupee coinage amounting to 10,16,46,300 standard tolas and invoiced at R6,79,47,933. Of this amount 7,49,06,838 standard tolas (invoice value R4,99,50,438) were purchased by the Secretary of State, and 2,67,39,462 standard tolas (invoice value R1,79,97,495) through local Banks.

The silver operated on consisted of :—

| Classification. | Standard Tolas. |
|---|---|
| Bar Silver | 6,49,34,243 |
| Mexican Dollars | 98,89,854 |
| South American Silver Coin | 2,09,204 |
| British Dollars | 67,07,827 |
| Sycee Silver | 1,99,05,172 |
| TOTAL | 10,16,46,300 |

(*b*) Withdrawn and uncurrent silver coins received for recoinage of the nominal value of R72,48,203, classified as follows :—

| Classification. | Value in Rupees. |
|---|---|
| Government Rupees and Half-Rupees of 1835 | 1,68,100 |
| Ditto Ditto 1840 (1st issue) | 4,56,941 |
| Ditto Ditto 1840 (2nd issue) | 21,87,283 |
| Government shroff marked, defective and dumb coins | 9,15,801 |
| Ditto worn coins | 27,83,929 |
| Ditto reduced coins | 16,739 |
| Government Rupees of George V (1911) | 7,09,822 |
| Fraudulently defaced coins from Railways | 2,374 |
| Arcot coins | 7,183 |
| Confiscated coins | 31 |
| TOTAL | 72,48,203 |

(*c*) Koris from the Junagadh Durbar of the exchange value of R24,08,653 (after deducting ·5% on account of cost of coinage, amounting to R12,104) and yielding 26,53,561 standard tolas received for re-coinage into British Indian Government Rupees in connection with the conversion of the currency of the State.

(*d*) Tenders of silver bullion from the Exchange Banks amounting to 1,70,81,664 tolas fine-silver of the outturn value of R1,85,98,310 was brought to account during the year.

British and Mexican Dollars, as detailed below, which were received for rupee coinage, were delivered to the Banks in exchange for a portion of the above silver—the exchange having been approved by Government—*vide* Finance Department No. 447 F. and 507 F., dated 10th October 1912 and 2nd November 1912, respectively, and Comptroller General's telegram dated 6th November 1912.

(*i*) 2,55,656 British Dollars. } Exchanged against bar silver already received.
14,34,344 Mexican Dollars. }

(*ii*) 14,02,344 British Dollars. } Exchanged against future deliveries of bar silver.
6,29,000 Mexican Dollars. }

The interest realised on (*ii*) amounted to R4,595-14-0.

(*e*) Consignments of new dumb subsidiary silver coin of the Straits Government returned for re-minting, consisting of 18,560 twenty cents, 91,250 ten cents, and 1,63,260 five cents of the outturn value of R31,998.

The description and weight of the silver tendered for coinage into British Dollars and for subsidiary coins for the Straits Government is given below :—

| Description of silver tendered. | Amount in lakhs of tolas. |
|---|---|
| Bar Silver | 170·81 |
| New 20 cent pieces | ·09 |
| „ 10 Do. | ·21 |
| „ 5 Do. | ·19 |
| TOTAL | 171·30 |

5. *Silver Coinage.*—(*a*) The Government coinage carried out during the year, which consisted of rupees, half, quarter and eighth rupees, amounted to 118,849,610 pieces valued at R11,16,11,293.

The amounts paid were distributed as follows :—

| | R | a. | p. |
|---|---|---|---|
| Reserve Treasury, Bombay | 4,12,53,367 | 12 | 0 |
| Paper Currency Department | 6,79,47,933 | 8 | 0 |
| Junagadh Durbar | 24,08,652 | 12 | 0 |

Owing to the purchases of silver for rupee coinage, there was a large outturn of coin during the latter half of the year, necessitating the Mint working overtime from September 1912 to January 1913.

(*b*) 5,653,999 British Dollars of the nominal value of R1,28,29,442 were coined and issued to the Exchange Banks for export during the year; in addition 1,658,000 British Dollars and 2,063,344 Mexican Dollars of the nominal value of R84,70,474 were issued in exchange for bar silver as explained in paragraph 4 (*d*) above. All the coins were shipped to Hongkong.

(*c*) 444,628 five cent pieces were manufactured for the Straits Government—the amount of coins shipped to Singapore being 43,319 twenty cents, 53,890 ten cents, and 458,944 five cents.

(*d*) The whole of the coinage was found by the Assay Master to be within legal remedy for weight and fineness.

*Silver Branch of the Gold Standard Reserve.*—The balance of the Gold Standard Reserve stood at one crore of rupees at the beginning of the year and R4,50,00,000 at its close.

6. *Meltings.*—Uncurrent Government silver coin remitted by Treasuries as well as new subsidiary coins from the Straits Government, bar silver tendered by the Exchange Banks, fine silver, Mexican and British Dollars, South American Silver Coins, received from the Secretary of State and purchased from the local Banks, and a large proportion of Koris from the Junagadh Durbar were taken into direct alligation. The whole of the sycee silver received for coinage was premelted before alligation.

7. *Percentages of Good Coin.*—The percentages of good coin calculated on the amounts laminated were as detailed below :—

| Description of coins. | Weight of ingots laminated. | Percentage of good coin. |
|---|---|---|
| | Tolas. | |
| Government Rupees | 15,94,89,430 | 68·72 |
| Do. Half-Rupees | 11,75,841 | 63·99 |
| Do. Quarter-Rupees | 8,84,793 | 64·32 |
| Do. Eighth-Rupees | 11,72,128 | 58·24 |
| British Dollars | 1,84,33,380 | 64·02 |
| Five Cents | 1,56,744 | 33·02 |

8. *Silver Operative Losses.*—The silver operative losses for the year 1912-1913, as detailed below, amounted to R1,30,102-5-3, all silver being valued at the uniform rate of rupee one per standard tola :—

| | R | a. | p. | | R | a. | p. |
|---|---|---|---|---|---|---|---|
| Opening Balance | 37,21,426 | 9 | 3 | Issues | 13,29,70,724 | 11 | 2 |
| | | | | Closing Balance | 7,89,001 | 4 | 10 |
| Receipts | 13,01,78,695 | 12 | 0 | Refined silver of 1912-13 recovered in 1913-14 | 10,294 | 0 | 0 |
| | | | | Operative loss for the year :— | | | |
| | | | | B. I. G. Coins | 1,19,670 | 5 | 3 |
| | | | | Dollars | 10,385 | 0 | 0 |
| | | | | Cents | 47 | 0 | 0 |
| | 13,39,00,122 | 5 | 3 | | 13,39,00,122 | 5 | 3 |

This gives a rate of loss of R104·38 per lakh of tolas coined, or if distributed according to the various coinages, R107·22 per lakh on British India Government Coins, R80 per lakh on Dollars and R90·5 per lakh on Cents.

## NICKEL.

9. The number of nickel one-anna pieces coined during the year was 39,776,000 of the value of R24,86,000 or less by R1,24,000 than that of the previous year.

The total operative loss written off the books during the year amounted to 21⅛ maunds, giving a percentage of ·290 per 100 maunds of metal rolled.

## BRONZE.

10. No bronze coinage was carried out during the year.

## MISCELLANEOUS.

11. *Miscellaneous Work.*—This consisted of the recurring supply of dies, medals, etc., to various public institutions, the manufacture and adjustment of scales and weights and miscellaneous supplies and repairs undertaken for Government Departments and the public, the profit made being R510. In addition 115 war medals with 132 clasps and 1 bronze star were issued.

12. *Treasure Trove Coins.*—During the year 603 silver and 204 copper coins were received from the Bombay Branch of the Royal Asiatic Society, these consisted of coins of Sayajirao I, Ahmed Shah I, etc. The amount realised by the sales of Treasure Trove coins during the year was R83, the metal value at which the coins were credited in the Mint accounts being R61. After defraying postage and other charges, the profit on the sale of these coins amounted to R15.

13. *Mint Working Standards.*—The weights in all the Departments were periodically compared with the standards and any difference found carefully adjusted.

## ANALYSIS OF REVENUE AND EXPENDITURE.

14. *Revenue*—(*a*) *Charges levied, Mint Seigniorage.*—The seigniorage on silver tendered for coinage and exchange for Dollars, for which outturn certificates were issued during the year, amounted to R2,86,224. The charge of 2 per cent. on the total amount of purchased silver brought to account during the year, including 2 per cent. on the coinage for the Junagadh Durbar, and ½ per cent. on account of cost of coinage recovered from that State amounted to R20,98,101.

(*b*) *Gain on Coinage Operations.*—The gain on this head was R1,24,935, being more than that of the preceding year by R62,693.

(*c*) *Cash and Transfer Receipts.*—These receipts amounted to R18,406 as against R2,73,819 for 1911-12.

(*d*) *Pro formâ Receipts.*—A *pro formâ* credit at 5 per cent. on the value of nickel coins turned out during the year amounted to R1,24,300, being less by R6,200 than that of the previous year.

15. *Expenditure.*—(*a*) *Loss on Coinage—Silver.*—The difference between the par and weight values of uncurrent coins received from Government Treasuries for re-coinage amounted to R1,25,444 as against R1,62,225 in the preceding year.

| | 1912-13. | 1911-12. |
|---|---|---|
| | R | R |
| Fixed Establishment . . . | 2,13,571 | 2,20,275 |
| Extra Establishment and overtime pay . | 1,76,734 | 1,70,005 |
| TOTAL . | 3,90,305 | 3,90,280 |

(*b*) *Salaries and Establishment.*—The total expenditure on salaries and establishment for the year as compared with that of the preceding 12 months is shown in the margin.

(*c*) *Copper used for alloy and for contingent purposes.*—The amount expended under this head was R84,375 as against R92,616 for 1911-12.

(*d*) *Local and English Stores.*—The expenditure under these heads amounted to R1,70,901 as compared with R2,27,921 in the preceding year.

(*e*) *Contingent charges.*—These charges amounted to R41,256 and showed an increase of R1,244 on last year's figures.

(*f*) *Transfer charges.*—These amounted to R11,179 as against R15,627 in the preceding 12 months.

16. *Resumé of Revenue and Expenditure.*—The result of the transactions of the year, as summarised in Statement No. 1, shows that, including interest on capital outlay, the nett profit from Mint operations during the year was R14,34,854.

17. *Balances sunk in the Mint.*—The balances of silver bullion belonging to Government valued at rupee one per tola of standard fineness, stood at the beginning of the year at R7,00,200 and at its close at R7,89,001. The average daily balance, exclusive of silver belonging to tenderers, was R23,74,474. The minimum daily balance was R7,00,189 on the 4th April 1912 and the maximum was R50,73,108 on the 8th March 1913.

18. *Capital Account.*—R4,795 on account of land, R40,911 on account of buildings and R8,747 on account of machinery were added to their respective heads during the year. The balance at debit of this account at the end of the year after allowing for depreciation on buildings and plant stood at R37,71,203.

19. *Extensions.*—During the year under review the Public Works Department carried out the following works at a total cost of R13,740 :—

| | R |
|---|---|
| (*a*) Additions and alterations to the West Side Verandah of the interior quadrangle . . . . . | 6,112 |
| (*b*) Additions and alterations to the Mint Master's Office . | 2,258 |
| (*c*) Constructing a tiffin room for workmen . . . | 2,235 |
| (*d*) Constructing urinals and latrines . . . . | 3,135 |

The reconstruction of a portion of the South and East Walls of the East Coining Room of the Mint was initiated on the 18th February 1913, necessitating the stoppage of 6 stamping machines. All demands for coinage, however, were met without recourse to overtime.

The Military Works Department carried out the defences of the Mint at a total cost to end of March 1913 of R29,539 ; this figure includes the sum of R4,795 on account of the cost of a piece of land acquired for realigning the compound wall of the Mint.

## OFFENCES AGAINST THE COINAGE.

20. *Return of Counterfeit Coins.*—The usual return of counterfeit coins is appended to this Report.

(*a*) 3,110 counterfeit coins (2,953 rupees, 33 half-rupees, 51 quarters and 73 one-eighths) were received for examination during the year as against 2,198 in 1911-12, and were classified as follows :—

(*i*) 439 coins (9 castings and 430 struck) received from the Bombay, Baroda and Central India, Rajputana-Malwa and Great Indian Peninsula Railways and 2 struck coins from other sources were accepted as exceptionally well executed.

(*ii*) 42 coins (22 castings and 20 struck) were sufficiently good to deceive the public as regards colour and finish.

(*iii*) The remaining 2,627 (1,968 castings and 659 struck) were in the majority of cases inferior specimens of low touch silver or base metal and noticeably false.

(The second and third classes above include coins which were returned to the Railways, as they did not come up to the standard of excellence required by Government.)

(*b*) 1,930 counterfeit coins (1,428 rupees, 45 half-rupees, 172 quarters and 285 one-eighths) were discovered in remittances of uncurrent coins to the Mint as against 2,003 in the previous year.

(*c*) During the year under report 48,345 counterfeit coins were cut at Treasuries and Railways as against 42,760 in 1911-12.

(*d*) 769 one-anna pieces received during the year were found to be palpable cast counterfeits of lead and tin or other similar alloys.

21. With a view to cope more adequately with any heavy coinages that may occur in the future, measures have already been initiated to expand, where possible, the outturn potentiality of the Mint. Twelve new automaton weighing machines are expected from England this year to augment the output of the Weighing Department. In the Silver Annealing Department the existing two batteries of two annealing furnaces are in process of conversion to two batteries of three furnaces, while it is also proposed to double the capacity of the drying furnace. These measures should tend greatly to level up the capacities of the Weighing and Annealing Departments with corresponding economy in the matter of recourse to overtime.

## No. I.

ACCOUNT of the TOTAL REVENUE and EXPENDITURE of the BOMBAY MINT during the year 1912-13.

| REVENUE. | ₹ a. p. | ₹ a. p. | EXPENDITURE. | ₹ a. p. | ₹ a. p. |
|---|---|---|---|---|---|
| To CHARGES LEVIED :— | | | BY WORKING EXPENSES :— | | |
| *Silver.* | | | *Silver.* | | |
| Percentage on new rupee coinage | 20,85,997 3 6 | | Operative losses | 1,40,396 5 3 | |
| ½ per cent. cost of coinage (Junagadh State conversion) | 12,103 12 0 | | Loss by overstandard weight and fineness of new coins issued | ..... | |
| Seigniorage on Dollar coinage | 2,86,224 0 0 | | Loss by understandard value of uncurrent Silver Coins withdrawn from circulation | ..... | |
| Do. Subsidiary coinage for Colonial Governments | ..... | | Other items | 511 0 0 | |
| Premelting fees | 16,482 13 0 | | Loss on withdrawal of uncurrent Silver Coins | 1,25,444 3 8 | |
| Assay and melting fees (Private) | 10,125 8 0 | | | | 2,66,351 8 11 |
| | | 24,10,933 4 6 | *Gold.* | | |
| *Gold.* | | | Loss in melting | 1 12 8 | |
| On Bullion from Government Departments | ..... | | Other items | ..... | |
| | | | | | 1 12 8 |
| To GAIN ON COINAGE OPERATIONS | | | BY MISCELLANEOUS CHARGES :— | | |
| *Silver.* | | | Pyx coins to Royal Mint | 285 15 6 | |
| Gain by Assay benefit | 1,15,485 0 0 | | Other items | 4,481 1 5 | |
| ain by understandard weight and fineness of new coins issued | 2,367 0 0 | | | | 4,767 0 11 |
| Gain by overstandard value of uncurrent Silver Coins withdrawn from circulation | 4,804 8 0 | | BY COPPER, BRONZE AND NICKEL :— | | |
| Other items | 2,056 6 6 | | Used as alloy | 83,916 14 3 | |
| | | 1,24,712 14 6 | Used for contingent purposes | 457 14 1 | |
| *Gold.* | | | | | 84,374 12 4 |
| Miscellaneous | 222 9 4 | | BY SALARIES AND ESTABLISHMENT :— | | |
| | | 222 9 4 | Fixed Establishment | 2,13,570 14 8 | |
| To CASH RECEIPTS :— | | | Extra Establishment and overtime pay | 1,76,734 1 3 | |
| For scales, weights and other articles supplied and work done for private individuals | 8,559 13 11 | | | | 3,90,304 15 11 |
| For old Stores, etc., sold | 1,402 5 11 | | BY LOCAL STORES :— | | |
| Rents recovered from residential quarters | ..... | | Coke, Coal, Charcoal, etc. | 60,024 15 0 | |
| Cost of Electric current consumed. | ..... | | Liquid fuel | ..... | |
| Miscellaneous | 6,112 11 0 | | Oil, Grease and Tallow | 7,680 1 9 | |
| | | 16,074 14 10 | Acids | 597 8 0 | |
| | | | Iron, Brassmongery, etc. | 1,152 9 4 | |
| | | | Metals | 2,235 9 9 | |
| | | | Wood for Boxes | ..... | |
| | | | Bullion Trucks, Moulds, etc. | 2,442 5 3 | |
| | | | Electrical Stores | 1,465 0 0 | |
| | | | Miscellaneous | 17,176 6 7 | |
| | | | | | 92,774 7 8 |
| | | | BY ENGLISH STORES :— | | |
| | | | Value of Stores used | 78,736 15 4 | |
| | | | Less 1/5th freight charged as below | 610 14 0 | 78,126 1 4 |
| Carried over | ..... | 25,51,943 11 2 | Carried over | ..... | 9,16,700 11 9 |

## ACCOUNT of the TOTAL REVENUE and EXPENDITURE of the BOMBAY MINT during the year 1912-13. —*continued.*

| | ₹ a. p. | ₹ a. p. | | ₹ a. p. | ₹ a. p. |
|---|---|---|---|---|---|
| Brought forward . | ..... | 25,51,943 11 2 | Brought forward . | ..... | 9,16,700 11 9 |
| To TRANSFER RECEIPTS :— | | | By CONTINGENT CHARGES :— | | |
| For scales, weights and other articles supplied and work done for other Government Departments . . . | 2,209 8 0 | | Books and Periodicals . . . | 275 10 3 | |
| | | | Cart, Coolie and Boat hire . | 279 3 0 | |
| For War medals for Military Departments . . . | 55 6 5 | | Postage and Telegrams . . | 582 6 0 | |
| | | | Inspection of Boilers . . | 250 0 0 | |
| For charges in connection with Colonial coinages . . | 66 1 11 | | Rents, Rates and Taxes . . | 15,274 15 7 | |
| | | | Electricity and Gas . . . | 5,141 7 8 | |
| | | 2,331 0 4 | Freight on Europe Stores . | 610 14 0 | |
| | | | Water-supply . . . | 3,562 2 8 | |
| | | | Plague and other Allowances . | 1,971 4 3 | |
| | | | Furniture . . . . | 292 9 0 | |
| | | | Scales and Weights . . | 599 6 0 | |
| | | | Livery of Peons . . . | 357 0 8 | |
| | | | Miscellaneous . . | 12,059 8 4 | |
| | | | By TRANSFER CHARGES— | | 41,256 7 5 |
| | | | Coin Bags . . . . | 10,060 0 0 | |
| | | | Landing and Shipping . . | 967 13 6 | |
| | | | Articles supplied and work done by other Government Departments . . . . | 151 6 10 | |
| | | | By P. W. D. CHARGES— | | 11,179 4 |
| | | | Repairs and Alterations to Buildings . . . . | ..... | 7,810 0 1 |
| TOTAL . | ..... | 25,54,274 11 6 | By MISCELLANEOUS CHARGES EXTERNAL TO MINT :— | | |
| To Balance . | ..... | ..... | Stationery . . . . | 921 0 0 | |
| | | | Printing . . . . | 3,840 8 3 | 4,761 8 3 |
| TOTAL . | ..... | 25,54,274 11 6 | TOTAL . | ..... | 9,81,707 15 10 |
| | | | By Balance . | ..... | 15,72,566 11 8 |
| Total Brought down . | ..... | 25,54,274 11 6 | TOTAL . | ..... | 25,54,274 11 6 |
| To *pro formâ* Receipts :— | | | Total Brought down . | ..... | 9,81,707 15 10 |
| Percentage on value of Nickel Coins manufactured . . | 1,24,300 0 0 | | By *pro formâ* Charges :— | | |
| | | | 1/6th of Salaries of superior servants . . . | 31,416 0 0 | |
| Medals for Royal Army Temperance Association . . | ... | | 1/16th of Salaries of inferior servants . . . . | 751 8 0 | |
| Weights supplied to Treasuries . . . | ..... | | Interest on . . . . | | 32,167 8 0 |
| | | 1,24,300 0 0 | Capital account valued at . | 37,71,203 0 0 | |
| | | | Average Silver balance . . | 23,74,474 0 0 | |
| | | | „ Bronze „ . . | 97,640 0 0 | |
| | | | „ Nickel „ . . | 1,89,615 0 0 | |
| To Balance . | ..... | | Europe Store „ . . | 1,34,063 0 0 | |
| | | | @3½ per cent. on . . | 65,66,995 0 0 | 2,29,845 0 0 |
| | | | By Balance . | ..... | 14,34,854 3 8 |
| GRAND TOTAL . | ..... | 26,78,574 11 6 | GRAND TOTAL . | ..... | 26,78,574 11 6 |

## ABSTRACT of CAPITAL ACCOUNT of the BOMBAY MINT to the end of the year 1912-13.

| | Land. | Building. | Plant. | TOTAL. | | Land. | Building. | Plant. | TOTAL. |
|---|---|---|---|---|---|---|---|---|---|
| | R | R | R | R | | R | R | R | R |
| Total Expenditure on Capital Account brought forward from last year . . | 12,62,200 | 16,82,952 | 8,65,355 | 38,10,507 | Value of Stores lost or destroyed . . | ... | ... | ... | ... |
| | | | | | Value of Building demolished . . | ... | ... | ... | ... |
| Expenditure during the year 1912-13 by Public Works Department . . | ... | 13,740 | ... | 13,740 | Depreciation at 5 per cent. on Plant and 3 per cent. on Building . | ... | 50,489 | 43,268 | 93,757 |
| Other Items . | ... | 2,427 | 8,747 | 11,174 | | | | | |
| Expenditure by Military Works Department . | 4,795 | 24,744 | ... | 29,539 | Balances . | 12,66,995 | 16,73,374 | 8,30,834 | 37,71,203 |
| TOTAL R . | 12,66,995 | 17,23,863 | 8,74,102 | 38,64,960 | TOTAL R . | 12,66,995 | 17,23,863 | 8,74,102 | 38,64,960 |

## No. II.

STATEMENT of the COINAGE of the BOMBAY MINT for the year 1912-13.

| | Tale of pieces. | Nominal value. | | | TOTAL. Tale. | TOTAL. Value. | | |
|---|---|---|---|---|---|---|---|---|
| | | ₹ | a. | p. | | ₹ | a. | p. |
| **SILVER—** | | | | | | | | |
| Rupees | 109,607,154 | 10,96,07,154 | 0 | 0 | | | | |
| Half-rupees | 1,504,755 | 7,52,377 | 8 | 0 | | | | |
| Quarter-rupees | 2,276,389 | 5,69,097 | 4 | 0 | | | | |
| Eighth-rupees | 5,461,312 | 6,82,664 | 0 | 0 | | | | |
| British Dollars | 5,672,075 | *1,28,70,459 | 0 | 0 | | | | |
| Five cents | 444,628 | †33,872 | 0 | 0 | | | | |
| | | | | | 124,966,313 | 12,45,15,623 | 12 | 0 |
| **BRONZE—** | | | | | | | | |
| Single pice<br>Half-pice<br>Pie pieces | ——*Nil.*—— | | | | | | | |
| **NICKEL—** | | | | | | | | |
| One anna | 39,776,000 | 24,86,000 | 0 | 0 | | | | |
| | | | | | 39,776,000 | 24,86,000 | 0 | 0 |
| **COPPER—** | | | | | | | | |
| Ceylon cents<br>Ceylon half-cents<br>Ceylon quarter-cents<br>Straits cents<br>Straits half-cents<br>Straits quarter-cents | ——*Nil.*—— | | | | | | | |
| GRAND TOTAL | ... | ... | | | 164,742,313 | 12,70,01,623 | 12 | 0 |

*This figure represents the outturn value of the Dollars in standard tolas.
† Ditto ditto. Cents ditto.

## No. III.

STATEMENT showing the COST of MISCELLANEOUS WORK done in the BOMBAY MINT during the YEAR 1912-13.

| DESCRIPTION. | AMOUNT. | TOTAL. | REMARKS. |
|---|---|---|---|
| | *R a. p.* | *R a. p.* | |
| **Receipt.** | | | |
| Receipt for Medals, Seals, Stamps, etc. . . | 5,664 14 0 | | |
| Adjusting Weights . . . . . | 2,070 4 0 | | |
| Sale-proceeds of Treasure Trove coins . . . | 82 12 0 | | |
| Miscellaneous . . . . . | 2,951 7 11 | | |
| | | 10,769 5 11 | |
| **Expenditure.** | | | |
| Engraver's Labour . . . . . | 269 3 11 | | |
| Workshop do. . . . . | 3,466 14 7 | | |
| Jeweller's do. . . . . | 208 12 0 | | |
| Stores used (including gold, silver, nickel, and copper) . . . . . | 6,180 3 10 | | |
| | | 10,125 2 4 | |
| Nett Profit Rupees | | 644 3 7 | Including R 115-7-0, profit on sale of Treasure Trove coins. Including R 119-1-2, profit on sale of Coronation medallions. |

## No. IV.

STATEMENT of COUNTERFEIT COINS received at the BOMBAY MINT, showing also those cut and broken at the TREASURIES, compiled from the QUARTERLY RETURNS furnished by TREASURY OFFICERS during 1912-1913.

| NAME OF PROVINCE. | Nominal value of remittances of uncurrent coins received at the Mint in thousands of rupees. | COUNTERFEITS RECEIVED AT THE MINT. | | | | | | | | | | | | Counterfeit coins cut at the several Indian Treasuries as per Quarterly Returns furnished by the Treasury Officers and Railway Administrations under Art. 591, Civil Account Code, and Government Resolution No. A.-6192, dated 10th December 1901. | | | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | In remittances of uncurrent coins from Treasuries. | | | | From Treasury and other officers under Art. 581, C. A. Code, and Government Resolution No. 1004-A., dated 21st February 1901. | | | | Received at the Mint for examination. | | | | | | | | |
| | | ₹ | ½ ₹ | ¼ ₹ | ⅛ ₹ | ₹ | ½ ₹ | ¼ ₹ | ⅛ ₹ | ₹ | ½ ₹ | ¼ ₹ | ⅛ ₹ | ₹ | ½ ₹ | ¼ ₹ | ⅛ ₹ | |
| Bombay | (a)2,626 | 585 | 15 | 79 | 131 | 524 | 6 | 5 | 8 | 1,880 | 19 | 28 | 47 | 23,047 | 554 | 643 | 753 | (a) Including current weight coins received for special examination. |
| India | 3 | 10 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| Quetta (Baluchistan) | ... | ... | ... | ... | ... | 10 | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | |
| Madras | 1,951 | 266 | 10 | 70 | 110 | 40 | ... | 6 | 1 | 116 | 3 | 2 | 1 | 14,298 | 966 | 1,090 | 1,147 | |
| Punjab | 1,702 | 276 | 6 | 23 | 44 | ... | ... | ... | ... | 2 | ... | ... | ... | 203 | ... | ... | ... | |
| United Provinces of Agra and Oudh | ... | ... | ... | ... | ... | ... | ... | ... | ... | 4 | ... | ... | ... | 28 | ... | 1 | 1 | |
| Central Provinces | 263 | 30 | ... | ... | ... | ... | ... | ... | ... | 76 | ... | ... | ... | 2,353 | 31 | 17 | 13 | |
| Hyderabad (Deccan) | 68 | 4 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 96 | 5 | 5 | 2 | |
| Rajputana | 1,242 | 241 | 14 | ... | ... | 9 | ... | ... | ... | 84 | 5 | 10 | 16 | 1,794 | 66 | 32 | 37 | |
| Central India | 52 | 16 | ... | ... | ... | 8 | ... | ... | ... | 199 | ... | ... | ... | 1,105 | 26 | 21 | 11 | |
| Burma | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| TOTAL | 7,907 | 1,428 | 45 | 172 | 285 | 591 | 6 | 11 | 9 | 2,362 | 27 | 40 | 64 | 42,924 | 1,648 | 1,809 | 1,964 | |

# REPORT ON THE WORKING OF HIS MAJESTY'S ASSAY OFFICE, BOMBAY.

No. 61, dated Bombay, 29th May 1913.

From—LIEUT.-COLONEL J. LLOYD JONES, I.M.S., ASSAY MASTER,

To—The Secretary to the Government of India, FINANCE DEPARTMENT, SIMLA.

I have the honour to submit the following report on the operations of the Assay Department, Bombay, for the official year 1912-1913.

2. *Number and description of Assays.*—The number of assays during the year amounted to 40,218 as against 34,509 in previous financial year.

The details are shown in the following table :—

| DESCRIPTION. | Number. | TOTAL. |
|---|---|---|
| GOLD. | | |
| Assays on gold from all sources | 738 | |
| Check assays on fine gold | 120 | 858 |
| SILVER. | | |
| Assays on silver received for coinage | 2,487 | |
| Do. alligated for silver standard coinage | 19,674 | |
| Do. Pyx coins | 11,234 | |
| Do. miscellaneous | 4,529 | |
| Check assays on fine silver | 1,002 | 38,926 |
| MISCELLANEOUS. | | |
| Parting Assays | 62 | |
| Assays on various metals and ores | 259 | |
| Assays on Mint drosses | 113 | 434 |
| TOTAL FOR THE YEAR | ... | 40,218 |

3. *Gold and Silver Assays.*—The total number of Gold Assays from all sources during the year was 858 as against 372 in the previous year ; of these 12 Assays were done for the Mint.

The total number of Silver Assays from all sources was 38,926 as against 33,530 in the previous year ; of these 34,455 were done for the Mint.

4. *Meltings for Silver Standard Coinage.*—Silver meltings for *Rupees* were assayed in the month of April 1912 and from July 1912 to March 1913, inclusive ; for *Half Rupees* in May, June and August 1912 ; for *Quarter Rupees* from May to August 1912 and in January and March 1913 ; for *One-eighth Rupees* in April, July, August 1912 and January 1913 ; for *British Dollars* from April to August and in December 1912, and for *Five Cents* in April 1912 only.

The average fineness of the silver meltings was—

| | Per mille. |
|---|---|
| For Rupees | 915·886 |
| ,, ½ rupees | 916·015 |
| ,, ¼ rupees | 915·812 |
| ,, ⅛ rupees | 915·789 |
| ,, British Dollars | 899·057 |
| ,, Five Cents | 594·900 |

as shown in the following table :—

| MONTHS. | Rupees. | ½ Rupees. | ¼ Rupees. | ⅛ Rupees. | British Dollars. | 5 Cents. |
|---|---|---|---|---|---|---|
| April 1912 | 915·933 | ... | ... | 915·977 | 899·149 | 594·900 |
| May „ | ... | 916·038 | 915·900 | ... | 899·191 | ... |
| June „ | ... | 915·945 | 915·931 | ... | 898·922 | ... |
| July „ | 915·978 | ... | 915·923 | 915·622 | 899·087 | ... |
| August „ | 915·923 | 916·017 | 915·800 | 915·833 | 899·009 | ... |
| September „ | 916·019 | ... | ... | ... | ... | ... |
| October „ | 915·911 | ... | ... | ... | ... | ... |
| November „ | 915·828 | ... | ... | ... | ... | ... |
| December „ | 915·891 | ... | ... | ... | 899·000 | ... |
| January 1913 | 915·822 | ... | 915·589 | 915·608 | ... | ... |
| February „ | 915·759 | ... | ... | ... | ... | ... |
| March „ | 915·970 | ... | 915·633 | ... | ... | ... |
| AVERAGE FOR THE YEAR | 915·886 | 916·015 | 915·812 | 915·789 | 899·057 | 594·900 |

5. *Gold in Silver Coinage.*—The average proportion of Gold found by monthly parting assays in the Silver Pyx Coins was :—

| | | |
|---|---|---|
| For Rupees | ·048 | per mille. |
| „ ½ rupees | ·352 | „ |
| „ ¼ rupees | ·303 | „ |
| „ ⅛ rupees | ·267 | „ |
| „ British Dollars | ·073 | „ |
| „ Five Cents. | ·090 | „ |

The coinage of the year was computed to contain 9,095 Troy ounces of gold of the value of £38,636-11-8.

6. *Pyx trials, Rupees.*—The trials of these coins for weight amounted to 1,123, the total number weighed being 22,460. The average weight of all was 180·035 grains, the lightest and heaviest coins weighed were respectively 179·10 and 180 90 grains.

The trials for fineness were also 1,123 ; 5,645 coins having been assayed singly and 28,075 in groups of 25 coins after melting. Of the coins assayed singly the extreme variations in fineness ranged from 914·6 to 918·6 and the average fineness over 5,615 coins was 916·585 per mille. In six trials only were single coins found to be outside remedy, and the fresh Pyx called for in these cases disclosed no coin beyond remedy. The 28,075 coins assayed in groups of 25 after melting gave an average fineness of 916·628, the lowest and highest figures obtained for any melting of coins being respectively 915·4 and 917·9.

The average results are shown in the following table :—

| MONTHS. | Average weight of Pyx Rupees Grains. | AVERAGE FINENESS OF PYX RUPEES PER MILLE. | | Gold per mille. |
|---|---|---|---|---|
| | | Single. | Melted. | |
| July 1912 | 180·056 | 916·380 | 916·617 | ·413 |
| August „ | 180·003 | 916·249 | 916·500 | ·359 |
| September „ | 180·030 | 916·700 | 916·717 | ·020 |
| October „ | 180·024 | 916·625 | 916·666 | ·017 |
| November „ | 180·022 | 916·556 | 916·635 | ·058 |
| December „ | 180·090 | 916·547 | 916·603 | ·057 |
| January 1913 | 180·023 | 916·563 | 916·597 | ·037 |
| February „ | 180·038 | 916·524 | 916·521 | ·075 |
| March „ | 180·023 | 916·619 | 916·625 | ·081 |
| AVERAGE | 180·035 | 916·585 | 916·628 | ·048 |

7. *Half Rupees.*—The trials of these coins for weight amounted to 20, the total number weighed being 400. None of these was found beyond remedy. The average weight of all was 90·005 grains ; the lightest and heaviest coins weighed respectively 89·60 and 90·40 grains.

The trials for fineness were 20 in number ; 100 coins were assayed singly, 1,000 in groups of 50 coins after melting. Of the coins assayed singly the extreme variations in fineness ranged from 915·3 to 917·6 and the average fineness over 100 coins was 916·544 per mille. No coin was found beyond remedy. The 1,000 coins assayed in groups of 50 after melting gave an average fineness of 916·665, the lowest and highest figures obtained for any melting of coins being respectively 916·2 and 917·3.

The average results are shown in the following table :—

| Months. | Average weight of Pyx ½ Rupees Grains. | Average fineness of Pyx ½ Rupee per mille. | | Gold per mille. |
|---|---|---|---|---|
| | | Single. | Melted. | |
| April 1912 . . . . | 90·023 | 916·495 | 916·600 | ·112 |
| May „ . . . . | 89·985 | 916·570 | 916·650 | ·366 |
| June „ . . . . | 90·033 | 916·477 | 916·567 | ·381 |
| August „ . . . . | 89·969 | 916·652 | 916·860 | ·460 |
| AVERAGE . | 90·005 | 916·544 | 916·665 | ·352 |

8. *Quarter Rupees.*—The trials of these coins for weight amounted to 24, the total number weighed being 240. None of these was found beyond remedy. The average weight of all was 45·009 grains ; the lightest and heaviest coins weighed respectively 44·70 and 45·30 grains.

The trials for fineness were also 24 in number, 120 coin shaving been assayed singly and 2,400 in groups of 100 coins after melting. Of the coins assayed singly the extreme variations in fineness ranged from 915·6 to 918·4 per mille, and the average fineness of 120 coins was 916·707 per mille. The 2,400 coins assayed in groups of 100 after melting gave an average fineness of 916·837, the lowest and highest figures obtained for any melting of coins being 916·3 and 917·5 per mille.

The average results are shown in the following table : —

| Months. | Average weight of Pyx ¼ Rupees Grains. | Average fineness of Pyx ¼ Rupees per mille. | | Gold per mille. |
|---|---|---|---|---|
| | | Single. | Melted. | |
| July 1912 . . . . | 45·02 | 916·696 | 916·867 | ·414 |
| August „ . . . . | 44·99 | 916·633 | 916·817 | ·428 |
| February 1913 . . . . | 44·99 | 916·780 | 916·820 | ·066 |
| March „ . . . . | 44·99 | 916·755 | 916·825 | ·158 |
| AVERAGE . | 45·009 | 916·707 | 916·837 | ·303 |

9. *One-eighth Rupees.*— The trials of these coins for weight amounted to 63, the total number weighed being 630. None of these coins was found beyond remedy. The average weight of all was 22·51 grains ; the lightest and heaviest coins weighed respectively 22·30 and 22·70 grains.

The trials for fineness were 63 in number, 315 coins having been assayed singly and 12,600 in groups of 200 coins after melting. Of the coins assayed singly the extreme variations in fineness ranged from 915·5 to 918·8 per mille, and the average fineness of 315 coins was 917·134 per mille. The 12,600 coins assayed in groups of 200 after melting gave an average fineness of 917,162 ; the lowest and highest figures obtained for any melting of coins being 916·5 and 918·4 per mille.

The average results are shown in the following table :—

| Months. | Average weight of Pyx ⅛ Rupees Grains. | Average fineness of Pyx ⅛ Rupees per Mille. | | Gold per mille. |
|---|---|---|---|---|
| | | Single. | Melted. | |
| April 1912 | 22·50 | 917·200 | 917·207 | ·188 |
| May „ | 22·60 | 917·120 | 917·200 | ·652 |
| July „ | 22·53 | 917·098 | 917·160 | |
| August „ | 22·50 | 916·958 | 917·210 | ·378 |
| February 1913 | 22·52 | 917·297 | 917·062 | ·075 |
| March „ | 22 49 | 916·960 | 917·000 | ·066 |
| AVERAGE | 22·513 | 917·134 | 917·162 | 267 |

10. *British Dollars.*—The trials of these coins for weight amounted to 66, the total number weighed being 1,320. The average weight of all was 415·990 grains, the lightest and heaviest coins weighed were respectively 414·10 and 417·90 grains.

The trials for fineness were 66 in number, 335 coins having been assayed singly and 990 in groups of 15 coins after melting. Of the coins assayed single the extreme variations in fineness ranged from 898·9 to 901·6 per mille, and the average fineness of 330 coins was 900·189 per mille. In one trial only was a single coin found to be outside remedy, and the fresh pyx called for in this case disclosed no coin beyond remedy. The 990 coins assayed in groups of 15 after melting gave an average fineness of 900·017 ; the lowest and highest figures obtained for any melting of coins being 899·2 and 900·5 per mille.

The average results are shown in the following table :—

| Months. | Average weight of Pyx British Dollars, Grains. | Average fineness of Pyx British Dollars per mille. | | Gold per mille. |
|---|---|---|---|---|
| | | Single. | Melted. | |
| April 1912 | 415·968 | 900·104 | 899·806 | ·110 |
| May „ | 415·991 | 900·232 | 899·960 | ·088 |
| July „ | 415·985 | 900·376 | 900·190 | ·092 |
| August „ | 415·993 | 900·082 | 900·021 | ·029 |
| December „ | 416·170 | 899·900 | 899·700 | ... |
| AVERAGE | 415·990 | 900·189 | 900·017 | ·073 |

11. *Five-cent Pieces.*—The trials of these coins for weight amounted to 15, the total number weighed being 160. One trial disclosed two coins beyond the legal remedy (one light and one heavy). 10 fresh coins were weighed and found to be within remedy. The average weight of all was 20·97 grains ; the lightest and heaviest coins weighed respectively 20·80 and 21·20.

The trials for fineness were also 15 in number, 105 coins having been assayed singly, and 3,000 in groups of 200 coins after melting. Of the coins assayed singly the extreme variations in fineness ranged from 596·4 to 603·5 per mille, and the average fineness of the 85 was 599·596 per mille. In two trials only were single coins found to be outside remedy, and the fresh pyx called for in these cases disclosed no coin beyond remedy.

The 3,000 coins assayed in groups of 200 after melting gave an average fineness of 600·066; the lowest and highest figures obtained for any melting of coins being 597·2 and 605·5 per mille.

The average results are shown in the following table :—

| Months. | Average weight of Pyx five-cent pieces Grains. | AVERAGE FINENESS OF PYX FIVE-CENT PIECES PER MILLE. | | Gold per mille. |
|---|---|---|---|---|
| | | Single. | Melted. | |
| May 1912 . . . . | 20·974 | 599·596 | 600·066 | ·090 |
| AVERAGE . . . . | 20·974 | 599·596 | 600·066 | ·090 |

12. *The Cupro-Nickels Assays*—The Cupro-Nickel assays done during the year are given in the following table :—

| Months. | Description of coins. | No. of coins. | FINENESS PRESENT. | | |
|---|---|---|---|---|---|
| | | | Copper. | Nickel. | Iron Carbon Silica. |
| April 1912 . . | Nickel one-anna pieces. | 105 | 75·1 | 24·3 | Iron present but undetermined. |
| May „ . . | Do. | 100 | 74·8 | 24·6 | Do. |
| June „ . . | Do. | 120 | 75·1 | 24·8 | Do. |
| August „ . . | Do. | 130 | 74·9 | 24·6 | Do. |
| November „ . . | Do. | 155 | 75·0 | 25·0 | ... |
| December „ . . | Do. | 115 | 74·8 | 25·2 | ... |
| January 1913 . . | Do. | 75 | 74·8 | 25·0 | Iron present but undetermined. |
| February „ . . | Do. | 110 | 74·8 | 24·8 | Do. |
| March „ . . | Do. | 45 | 74·8 | 25·0 | Do. |

13. *Summary of Pyx Trial.*—The results detailed in paragraphs 6, 7, 8, 9, 10 and 11 are summarised in the following table :—

| Denomination. | Number of coins weighed singly. | Number of coins assayed singly. | Number of coins assayed after melting. | Average weight grains. | Average fineness of coins assayed singly (per mille.) | Average fineness of coins assayed after melting (per mille.) | Proportion of gold in pyx coins (per mille.) |
|---|---|---|---|---|---|---|---|
| Rupees . . . . | 22,460 | 5,645 | 28,075 | 180·035 | 916·585 | 916·628 | ·048 |
| ½ Rupees . . . | 400 | 100 | 1,000 | 90·005 | 916·544 | 916·665 | ·352 |
| ¼ Rupees . . . | 240 | 120 | 2,400 | 45·009 | 916·707 | 916·837 | ·303 |
| ⅛ Rupees . . . | 630 | 315 | 12,600 | 22·513 | 917·134 | 917·162 | ·267 |
| British Dollars . . . | 1,320 | 335 | 990 | 415·990 | 900·189 | 900·017 | ·073 |
| Five Cents . . . | 160 | 105 | 3,000 | 20·974 | 599·596 | 600·066 | ·090 |

14. Of the 259 assays under the " assays on various metals and ores " in paragraph 2 of this report 125 were assays on counterfeit coins and samples of Nickel and Copper received from the Mint Master, Bombay, and Superintendent, Army Clothing Factory, Madras.

15. The post of Assay Master was held by Lieutenant-Colonel Lloyd Jones, I. M. S., from 1st to 12th April 1912 and by Captain H. B. Drake, I.M.S., from 13th April to 14th November 1912 and again by Lieut.-Colonel Lloyd Jones, I.M.S., from 15th November 1912 to the end of the financial year. Lieut.-Colonel Lloyd Jones, I.M.S., was on combined leave from 13th April to 14th November 1912.

The post of Deputy Assay Master was held by Captain H. B. Drake, I.M.S., from 1st to 12th April 1912 and by Captain H. J. Wallis, I. A., from 13th April to 14th November 1912, and again by Captain H. B. Drake, I.M.S., from 15th November 1912 to the end of the financial year.

## FINANCE DEPARTMENT.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS.

*Delhi, the 26th January 1914.*

**No. 104-F.E.**—Mr. R. Waterfield has been posted as Deputy Accountant General, Punjab, with effect from the 2nd January 1914.

Mr. E. Burdon, I.C.S., has been posted as Assistant Accountant General, Punjab, with effect from the 2nd January 1914.

Mr. B. N. Sen, Officiating Chief Accountant, Class II, in the office of the Accountant General, Punjab, has been appointed to officiate as Chief Superintendent, Class II, in that office with effect from the 24th December 1913.

*The 29th January 1914.*

**No. 127-F. E.**—Mr. A. Krishnaswami Rao, Chief Accountant, Class I, office of the Accountant General, Madras, has been granted privilege leave from the 12th January to 20th February 1914.

Mr. K. S. Kothandarama Iyer, Accountant 1st grade, in the office of the Accountant General, Madras, has been appointed to officiate as Chief Accountant, Class II, in that office with effect from 12th January 1914, and until further orders.

**No. 128-F. E.**—Mr. W. Kelly has been posted as Assistant Accountant General, Post Office and Telegraphs, Madras, with effect from the 6th January 1914.

Mr. P. B Das has been posted as Assistant Accountant General, Post Office and Telegraphs, Telegraph Branch, with effect from the 9th January 1914.

Mr. F. O Byrne has been posted as Assistant Accountant General, Post Office and Telegraphs, Delhi, with effect from the 13th January 1914.

*The 30th January 1914.*

**No. 135-F.E.**—Mr. S. Taj Mohammad has been posted as Assistant Accountant General, Telegraph Check Office, with effect from the 2nd January 1914.

**No. 136-F.E.**—Mr F. S. Vaughan, an Accountant, 1st grade, in the office of the Examiner of Accounts, Oudh and Rohilkhand Railway, was appointed to officiate as a Chief Accountant, Class II, in that office from the 31st August to 17th September 1913.

J. B. BRUNYATE,
*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

### NOTIFICATION.

*Delhi, the 27th January 1914.*

**No. 6.**—Mr. R. E. Purves, Chief Engineer, 2nd Class, temporary rank, Punjab, is promoted to Chief Engineer, 2nd Class, permanent, with effect from the 25th September 1913.

R. P. RUSSELL,
*Secretary to the Government of India.*

# DEPARTMENT OF COMMERCE AND INDUSTRY.

## NOTIFICATIONS.

### CUSTOMS ESTABLISHMENT.

*Delhi, the 31st January 1914.*

**No. 662-1-C.**—Mr. Prabhakar Chandavarkar is appointed a Probationer in the Imperial Customs Service, with effect from the 20th January 1914, and is posted to Bombay.

### GENERAL.

*The 31st January 1914.*

**No. 704-15-C.**—Mr. G. S. Hardy, I.C.S., Assistant Collector, Bombay, is appointed to officiate as Under Secretary to the Government of India in the Department of Commerce and Industry with effect from the date on which he assumes charge of the appointment, *vice* Mr. S. H. Slater, I.C.S., on special duty.

### INDUSTRIES.

*The 31st January 1914.*

**No. 715-8-C.**—In exercise of the powers conferred by Section 7 of the Indian Tea Cess Act, 1903 (IX of 1903), the Governor-General in Council is pleased to make the following amendments in the rules published in the Finance and Commerce Department notification No. 6479-S.R., dated the 12th October 1904.

In rule 1, for the words "one on the recommendation of the Dooars Planters' Association," the words "two on the recommendation of the Dooars Planters' Association" shall be substituted; and the words "one on the recommendation of the Kangra Valley Planters' Association" shall be omitted.

### TELEGRAPH ESTABLISHMENT.

*The 31st January 1914.*

**No. 516-11.**—Mr. W. Sutherland, Director of Telegraphs, 4th Class, and officiating Postmaster-General, 2nd grade, is granted such privilege leave as may be due to him on the date on which he may be relieved, in combination with furlough of such duration as may bring the total period of absence up to eight months.

## ERRATUM.

### SALT.

*The 31st January 1914.*

**No. 501-3.**—In the Notification of this Department No. 402-C., dated the 10th January 1914, for the date "20th January 1914" the date "21st January 1914" is substituted.

R. E. ENTHOVEN,
*Secretary to the Government of India.*

## ARMY DEPARTMENT.

*Delhi, the 30th January 1914.*

### APPOINTMENTS.

PERSONAL STAFF.

**No. 94.**—The Viceroy and Governor-General has been pleased to make the following appointment on His Excellency 's Personal Staff :—

*To be Honorary Aide-de-Camp.*

Lieutenant-Colonel A. J. Pugh, Calcutta Light Horse, and is granted the honorary rank of Colonel on appointment. Dated 1st January 1914.

CANTONMENT MAGISTRATES' DEPARTMENT.

**No. 95.**—The services of Major J. W. H. Lyon, Indian Army, are placed at the disposal of the Government of Bombay for employment as a Cantonment Magistrate, with effect from the date on which he reports his return to duty from leave *ex* India.

### FURLOUGH AND LEAVE.

CANTONMENT MAGISTRATES' DEPARTMENT.

**No. 96.**—Lieutenant-Colonel C Herbert, D.S.O., is granted combined leave for seven months under the provisions of Articles 238, 260 and 308(*b*), Civil Service Regulations, the first three months being privilege leave; with effect from the 15th March 1914, or the date on which he is relieved of his duties as Cantonment Magistrate, Ambala.

### LONDON GAZETTE.

**No. 97.**—The following extracts are published for general information :—

*" London Gazette," dated the 6th January 1914, pages 185 and 186.*

* * * * *

*War Office,*
*6th January 1914.*

* * * * *

MEMORANDA.

Surgeon-General William B. Bannerman, C.S.I., M.D., Indian Medical Service, to be an Honorary Physician to the King, *vice* Surgeon-Colonel J. Richardson, deceased. Dated 13th August 1913.

* * * * *

Captain Gerald H. Summers, Indian Army (employed with the King's African Rifles), to be Brevet-Major. Dated 7th January 1914.

* * * * * * *

The undermentioned Majors, Indian Army, to be Brevet Lieutenant-Colonels. Dated 7th January 1914 :—

Andrew Skeen (temporary Lieutenant-Colonel), 24th Punjabis, a General Staff Officer, 2nd Grade, at the Staff College, Quetta.

William F. Bainbridge, D.S.O., 51st Sikhs (Frontier Force), a General Staff Officer, 2nd Grade.

William St. C. Muscroft, Supply and Transport Corps, a Deputy Assistant Director of Supplies.

* * * * * * *

## PROMOTIONS.

### CANTONMENT MAGISTRATES' DEPARTMENT.

**No. 98.**—Major T. G. P. Lawrenson, Indian Army, 3rd Grade Cantonment Magistrate, is granted increased staff pay at the rate of Rs. 500 per mensem, with effect from the 19th November 1913.

### INDIAN ARMY.

**No. 99.**—The following promotions are made, subject to His Majesty's approval:—

*To be Colonel.*

Lieutenant-Colonel Reginald George Burton, 94th Russell's Infantry,—19th December 1913.

*Lieutenants to be Captains.*

John Marcus William O'Rorke, 25th Cavalry, (Frontier Force),—24th January 1914.

Denis George Jocelyn Ryan, 6th Gurkha Rifles
Christopher Edward Daly, 66th Punjabis
Alexander Clairmonte Anderson, 6th Jat Light Infantry
Douglas Bruce Edwards, 39th King George's Own Central India Horse
},—28th January 1914.

### ORDNANCE DEPARTMENT.

*Northern Army.*

**No. 100.**—Conductor Frank Edwin Miller to be Assistant Commissary and to have the honorary rank of Lieutenant, subject to His Majesty's approval,

Sub-Conductor Alfred Spooner to be Conductor and

Sub-Conductor John Thomas Fannon, *seconded*, on the General List, to be absorbed on reversion to Arsenal duty,

*vice* Assistant Commissary and Honorary Lieutenant Thomas Freeman, retired; with effect from the 7th January 1914.

**No. 101.**—Assistant Commissary and Honorary Lieutenant Peter Connor to be Deputy Commissary and to have the honorary rank of Captain, subject to His Majesty's approval,

Conductor John Green, *seconded*, to be Assistant Commissary, *seconded*, and to have the honorary rank of Lieutenant, subject to His Majesty's approval,

Conductor George Harding to be Assistant Commissary and to have the honorary rank of Lieutenant, subject to His Majesty's approval,

Sub-Conductor Herbert Henry Ancrum, *seconded*, to be Conductor, *seconded*,

Sub-Conductor Lovell Charles Gordon to be Conductor, and

Staff-Sergeant John Pilkington to be Sub-Conductor on the General List;

*vice* Deputy Commissary and Honorary Captain Alfred James Dorkins, retired; with effect from the 9th January 1914.

## NATIVE ARMY.

### APPOINTMENTS AND PROMOTIONS.

**No. 102.**—Subject to His Majesty's approval, the honorary rank of Captain is conferred, on retirement, on Risaldar-Major Mir Haidar Shah Khan, *Sardar Bahadur*, 37th Lancers (Baluch Horse), with effect from the 31st December 1913.

*9th Hodson's Horse.*

**No. 103.**—Jemadar Malak Muhammad Hayat Khan, appointed on probation in Army Department Notification No. 458, dated the 2nd June 1911, is confirmed in that rank; with effect from the 1st January 1911.

*7th Duke of Connaught's Own Rajputs.*

**No. 104.**—Jemadar Jaikaran Singh, appointed on probation in Army Department Notification No. 66, dated the 27th January 1911, is confirmed in that rank; with effect from the 15th December 1910.

**No. 105.**—The following promotions are made :—

*2nd Queen Victoria's Own Rajput Light Infantry*

Jemadar Digambar Singh to be Subadar, and Drill-Havildar Partab Singh to be Jemadar, *vice* Sukhraj Singh, transferred to the pension establishment; with effect from the 1st August 1913.

*21st Punjabis.*

Jemadar Habib Khan to be Subadar, and Colour-Havildar Amir Khan to be Jemadar, *vice* Nawab Khan, deceased; with effect from the 6th October 1913.

*47th Sikhs.*

Havildar Chuhar Singh to be Jemadar, *vice* Bhola Singh, transferred to the pension establishment; with effect from the 1st November 1913.

*1st Battalion, 3rd Queen Alexandra's Own Gurkha Rifles.*

Jemadar Kulbir Thapa to be Subadar, and Colour-Havildar Bhim Sing Thapa to be Jemadar, *vice* Sanman Nagarkoti, *Bahadur*, transferred to the pension establishment; with effect from the 1st January 1914.

## RESIGNATIONS.

### INDIAN SUBORDINATE MEDICAL DEPARTMENT.

#### ASSISTANT SURGEON BRANCH.

**No. 106.**—4th Class Assistant Surgeon Charles Edward Clarke has been permitted by the Most Hon'ble the Secretary of State for India to resign the service, with effect from the 26th August 1913.

(*Army Department Notification No. 882, dated the 24th October 1913, is cancelled.*)

## RETIREMENTS.

### INDIAN ARMY.

**No. 107.**—The undermentioned officers have been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval, with effect from the 28th January 1914 :—

Lieutenant-Colonel Alfred Poingdestre.

Lieutenant-Colonel Sydney Woodward Lincoln.

### INDIAN SUBORDINATE MEDICAL DEPARTMENT.

#### ASSISTANT SURGEON BRANCH.

*Bengal Establishment.*

**No. 108.**—Senior Assistant Surgeon and Honorary Captain George William Davis is permitted to retire from the service, subject to His Majesty's approval, with effect from the 1st February 1914.

## VOLUNTEER CORPS.

### APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

*Madras Volunteer Guards.*

**No. 109.**—Lieutenant Richard Barrington Ward resigns his commission. Dated the 29th November 1913.

*Nagpur Volunteer Rifles.*

**No. 110.**—Lieutenant Percy Douglas Kirkham, V.D., resigns his commission. Dated the 7th January 1914.

*1st Battalion, Calcutta Volunteer Rifles.*

**No. 111.**—Second Lieutenant Geoffrey Herbert Gore Burroughs to be Lieutenant, to fill an existing vacancy. Dated the 1st November 1913.

Second Lieutenant John Woodhouse Thurston to be Lieutenant, to fill an existing vacancy. Dated the 27th November 1913.

*Mussoorie Volunteer Rifles.*

**No. 112.**—William Bell to be Lieutenant, to fill an existing vacancy. Dated the 20th December 1913.

The first Christian name of Captain E. C. J. Bond is "Edgar" and not as notified in Army Department Notifications Nos. 774 and 901, dated 13th August 1909 and 31st October 1913, respectively.

*Bombay Volunteer Rifles.*

**No. 113.**—Lieutenant John Ernest Buttery Hotson to be Captain, to fill an existing vacancy. Dated the 10th December 1913.

*North Western Railway Volunteer Rifles.*

**No. 114.**—Lieutenant-Colonel Arthur Thomas Houldcroft, Supernumerary List, resigns his commission. Dated the 14th June 1913.

Lieutenant Edward Burton, Supernumerary List, resigns his commission. Dated the 6th March 1913.

*Oudh and Rohilkhand Railway Volunteer Rifles.*

**No. 115.**—Second Lieutenant William Ingram Cooke resigns his commission. Dated the 12th December 1913.

*Hyderabad Volunteer Rifles.*

**No. 116.**—Major Charles Pearson George resigns his commission. Dated the 23rd December 1913.

*Eastern Bengal Volunteer Rifles.*

**No. 117.**—Lieutenant Frederic Percival Dixon, Supernumerary List, resigns his commission. Dated the 23rd December 1913.

W. R. BIRDWOOD, *Major-General,*
*Secretary to the Government of India.*

## MARINE DEPARTMENT.

*Delhi, the 30th January 1914.*

### RETIREMENTS.

**No. 6.**—Commander C. G. Sinclair, Royal Indian Marine, has been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, with effect from the 7th January 1914.

W. R. BIRDWOOD, *Major-General,*
*Secretary to the Government of India.*

## RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

### NOTIFICATIONS.

*Simla, the 24th January 1914.*

**No. 11.**—Major H. A. Cameron, R.E., Deputy Traffic Manager, North Western Railway, is placed on special duty from the 5th January 1914 and until further orders.

**No. 12.**—With reference to Railway Board's Notification No. 11, dated the 24th January 1914, Mr. A. T. Stowell, District Traffic Superintendent, North Western Railway, in Class II, grade I, of the Superior Revenue Establishment of State Railways, is appointed to officiate as a Deputy Traffic Manager, in Class I of that establishment, from the 5th January 1914 and until further orders.

**No. 13.**—The services of Captain W. R. Izat, R. E., Executive Engineer, State Railways, are lent to the Bengal Dooars Railway Company for employment as their Officiating Manager and Engineer-in-Chief, during the absence on leave of Mr. Polwhele.

*The 27th January 1914.*

**No. 14.**—It is hereby notified, for general information, that His Majesty's Secretary of State for India has sanctioned the construction by the Jaipur Durbar of an extension of the Jaipur Railway, on the metre guage, from Jaipur to Reengus, a distance of 36 miles.

*The 28th January 1914.*

**No. 15.**—Mr. A. K. Muirhead, Assistant Store-keeper, North Western Railway, in Class III, grade 2, of the Superior Stores Department of State Railways, officiated as Store-keeper in class II of that Establishment from the 18th September to the 28th October 1913, *vice* Rai Bahadur Milki Ram, Store-keeper, on privilege leave.

**No. 16.**—The following is published for general information :—

No. 137-R. T.

GOVERNMENT OF INDIA.

# RAILWAY DEPARTMENT.

## (RAILWAY BOARD.)

*Simla, the 21st January 1914.*

**Adoption on the Arrah-Sasaram, Baraset-Basirhat, Bukhtiarpore-Bihar, Dehri-Rohtas, Howrah-Amta, Howrah-Sheakhala, Jessore-Jhenidah and Shahdara (Delhi)-Saharanpur Light Railways and on such portions of the Barsi Light Railway as are situate in British territory, of the amendments in Chapter III, Part II, of the General Rules of 1906 for working open lines of railway—Revision of certain rules to regulate the packing and carriage by railway in India of certain dangerous goods, other than explosives.**

RESOLUTION.—The Administrations of the several railways, not administered by Government, which are noted on the margin,* have applied for the adoption on those railways, of the amendments in Capter III, specified in the enclosure to Railway Board's Circular No. 1008-R T., dated the 5th June 1913, and published under their Notification No. 162, dated the 12th June 1913, of Part II of the General Rules of 1906 for working open lines of railway in British India, which rules and certain amendments thereto were sanctioned for adoption on the marginally† noted railways and on such portions of the Barsi Light Railway as are situate in British territory in the following Railway Board's resolutions and notifications :—

* Arrah-Sasaram Light Railway.
Baraset-Basirhat Light Railway.
Barsi Light Railway
Bukhtiarpore-Bihar Light Railway.
Dehri-Rohtas Light Railway.
Howrah-Amta Light Railway.
Howrah-Sheakhala Light Railway.
Jessore-Jhenida Light Railway.
Shahdara (Delhi)-Saharanpur Light Railway.

† Arrah-Sasaram, Baraset-Basirhat, Bukhtiarpore-Bihar, Dehri-Rohtas, Howrah-Amta, Howrah-Sheakhala, Jessore-Jhenidah and Shahdara (Delhi)-Saharanpur Light Railways.

Resolutions Nos. 227 R. T. and 1863 R. T., dated, respectively, the 13th February 1911 and 25th September 1912, and Notifications Nos. 53 and 179, dated, respectively, the 22nd February 1911 and 1st October 1912,

Resolutions Nos. 1305 R. T. and 1863 R. T., dated, respectively, the 30th October 1907 and 25th September 1912, and Notifications Nos. 290 and 179, dated, respectively, the 1st November 1907 and 1st October 1912,

Resolutions Nos. 1305 R. T. and 1863 R. T., dated, respectively, the 30th October 1907 and 25th September 1912, and Notifications Nos 290 and 179, dated, respectively, the 1st November 1907 and 1st October 1912,

Resolutions Nos. 233 R. T. and 2161 R. T., dated, respectively, the 13th February 1911 and 30th October 1912, and Notifications Nos. 52 and 214, dated, respectively, the 21st February 1911 and 1st November 1912,

Resolutions Nos. 1305 R. T. and 1863 R. T., dated, respectively, the 30th October 1907 and 25th September 1912 and Notifications Nos. 290 and 179, dated, respectively, the 1st November 1907 and 1st October 1912,

Resolutions Nos. 1305 R. T. and 1863 R. T., dated, respectively, the 30th October 1907 and 25th September 1912, and Notifications Nos. 290 and 179, dated, respectively, the 1st November 1907 and 1st October 1912,

Resolution No. 559 R. T., dated the 31st March 1913, and Notification No. 98, dated the 3rd April 1913,

Resolutions Nos. 1079 R. T. and 1863 R. T., dated, respectively, the 27th September 1907 and 25th September 1912, and Notifications Nos. 240 and 179, dated, respectively, the 27th September 1907 and 1st October 1912, and

Resolutions Nos. 1386 R. T. and 1440 R. T., dated, respectively, the 20th November 1907 and 31st July 1912, and Notifications Nos. 312 and 136, dated, respectively, the 27th November 1907 and 8th August 1912.

2. In exercise of the powers conferred by the Notification of the Government of India in the Department of Commerce and Industry, No. 801, dated the 24th March 1905, the Railway Board sanction, under section 47, sub-section (3), of the Indian Railways Act, 1890 (IX of 1890), the adoption of the amendments cited in paragraph 1 above, on the marginally* noted Railways and on such portions of the Barsi Light Railway as are situate in British territory.

* Arrah-Sasaram, Baraset-Basirhat, Bukhtiarpore-Bihar, Dehri-Rohtas, Howrah-Amta, Howrah-Shakhala, Jessore-Jhenidah and Shahdara (Delhi)-Saharanpur Light Railways.

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ORDER.—Ordered, that this resolution be published under a notification in Part I of the *Gazette of India* as required by section 47, sub-section (3), of the Indian Railways Act, 1890 (IX of 1890), and that a copy of the amended General Rules be kept open for inspection at railway stations as directed by sub-section (6) of the same section; also that a copy of this resolution be communicated to the Local Governments and to the officers noted on the margin, for information.

The Governments of Bengal, Bihar and Orissa, and the United Provinces.
The Agent, Barsi Light Railway.
The Senior Government Inspectors of Railways, Circles Nos. 2 and 6.
The Secretary, Indian Railway Conference Association.

T. RYAN,
*Secretary, Railway Board.*

*Documents accompanying.*
Nil.

---

*The 29th January 1914.*

**No. 17.**—Mr. S. L. Rao Nayudu, Probationary Assistant Traffic Superintendent, Eastern Bengal Railway, in Class III, grade 5, of the Superior Revenue Establishment of State Railways, is confirmed as Assistant Traffic Superintendent and promoted to Class III, grade 4, of that establishment, with effect from the 22nd December 1913.

**No. 18.**—The undermentioned gentlemen have been appointed by His Majesty's Secretary of State for India as Assistant Locomotive Superintendents in Class III, grade 3, of the Superior Revenue Establishment of State Railways, and are posted to the North Western Railway:—

Mr. Henry Walter Huggins.
„ Edmund George Townshend.

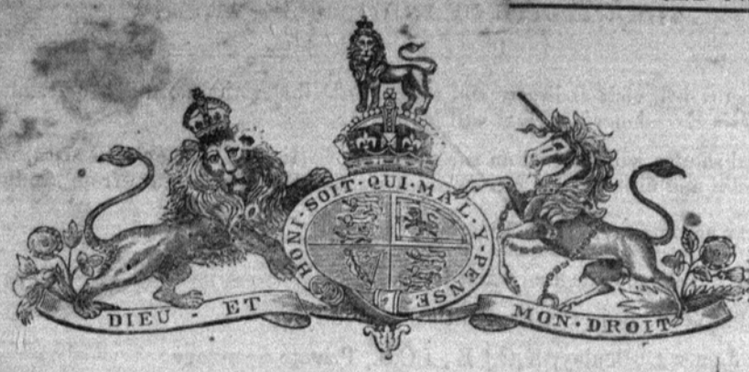
**No. 19.**—Mr. Hugh Claxton Aylmer has been appointed by His Majesty's Secretary of State for India as an Assistant Locomotive Superintendent in Class III, Grade 3, of the Superior Revenue Establishment of State Railways, and is posted to the Oudh and Rohilkhand Railway.

**No. 20.**—Mr. Fred. Gifford Raven has been appointed by His Majesty's Secretary of State for India as an Assistant Locomotive Superintendent in Class III, Grade 3, of the Superior Revenue Establishment of State Railways, and is posted to the Eastern Bengal Railway.

**No. 21.**—Colonel C. S. Rose, Superintending Engineer, is on his return from leave attached to the office of the Senior Government Inspector of Railways, Circle No. 3, Lucknow, until further orders.

T. RYAN,
*Secretary, Railway Board.*

REGISTERED No. L 848.




8. FEB. 14

# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 6.] DELHI, SATURDAY, FEBRUARY 7, 1914.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART I.

### Government of India Notifications, Appointments, Promotions, etc.

### MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

*Delhi, the 4th February 1914.*

**No. 648-M.**—His Excellency the Viceroy and Governor General will leave Delhi by special train on the afternoon of Friday, the 6th February 1914. His Excellency's departure will be private.

The Viceroy will visit Jodhpore and return to Delhi on the morning of Tuesday, the 10th February. His Excellency's arrival will be private.

Viceregal salutes will be fired on the occasion of His Excellency's departure from, and arrival at, Delhi and also on His Excellency's arrival at, and departure from, Jodhpore.

The party accompanying the Viceroy will be :—

Her Excellency the Lady Hardinge.

J. B. Wood, Esq., C.I.E., Political Secretary.

Sir James DuBoulay, K.C.I.E., I.C.S., Private Secretary.

Lt.-Col. F. A. Maxwell, V.C., C.S.I., D.S.O., Military Secretary.

Lt.-Col. Sir James Roberts, Kt., C.I.E., I.M.S., Surgeon.

Captain W. W. Muir, A.-D.-C.

Captain A. A. Tod, A.-D.-C.

Captain J. J. Astor, A.-D.-C.

All communications of an *urgent* nature intended to reach His Excellency and party during the tour should be addressed "Viceroy's Camp" without the addition of any post town. All other communications should be sent to the headquarters of the several offices at Delhi.

By Command,

F. A. MAXWELL, *Lieut.-Colonel,*
*Military Secretary to the Viceroy.*

## DEPARTMENT OF REVENUE AND AGRICULTURE.

### NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

*Delhi, the 5th February 1914.*

**No. 134-C.**—Mr. W. A. Pool, M.R.C.V.S., Veterinary Officer under training at the Punjab Veterinary College, is posted to the Civil Veterinary Department, Bihar and Orissa, as supernumerary under training with effect from the 10th January 1914.

E. D. MACLAGAN,
*Secretary to the Government of India.*

## RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

### NOTIFICATION.

*Simla, the 2nd February 1914.*

**No. 22.**—Mr. M. M. Lindsley, workshop Superintendent, Oudh and Rohilkhand Railway, is granted the honorary rank of Assistant Locomotive Superintendent.

T. RYAN.
*Secretary, Railway Board.*

## FOREIGN AND POLITICAL DEPARTMENT.

### NOTIFICATIONS.

*Delhi, the 2nd February 1914.*

**No. 699-D.**—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct that a Special Court shall be constituted for the trial of Guru Govindgir and other persons accused of having committed offences in connection with recent disturbances upon the borders of the Rewa Kantha Agency and the Southern Rajputana States, being places outside British India under the suzerainty of His Majesty, and to appoint Frederick William Allison, Esquire, of the Indian Civil Service, Assistant Judge and Additional Sessions Judge, Belgaum, and Major Hugh Augustus Keppel Gough, of the Political Department of the Government of India, to be Judges of the said Court.

2. The said Court in respect of the trial and of all proceedings incidental thereto shall exercise within the territories of the Rewa Kantha Agency and of the Southern Rajputana States the powers of a Court of Session.

3. In the exercise of such jurisdiction the said Court may take congnizance of an offence as a Court of Original Criminal Jurisdiction without the accused persons being committed to them by a Magistrate and shall when so taking cognizance of an offence follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant cases.

4. The Commissioner, Northern Division, Bombay Presidency, shall in relation to the proceedings of the said Court exercise the powers of a High Court as described in the Code of Criminal Procedure, 1898, and when so exercising these powers shall sit within the said territories.

*The 4th February 1914.*

**No. 734-D.**—Mr. R. H. New, of the Indo-European Telegraph Department, is appointed to be His Britannic Majesty's Vice-Consul at Birjand with effect from the 13th December 1913.

*Simla, the 3rd February 1914.*

**No. 144-Est. A.**—Captain J. A. Brett, of the Political Department, is granted privilege leave for 2 months and 11 days and furlough in continuation for 9 months and 19 days under Articles 233 and 308 (*b*) of the Civil Service Regulations, with effect from the 15th January 1914.

**No. 145-Est. A.**—Captain J. G. L. Ranking, of the Political Department, is posted as Assistant Commissioner, Hazara, with effect from the 15th January 1914.

**No. 168-I. C.** *Corrigendum.*—In the Notification of the Government of India in the Foreign Department, No. 262-D., dated the 1st January 1914, announcing the awards of the Kaisar-i-Hind Medal of the Second Class, for the entry "Miss Mary Weston, Assistant Principal, Queen Mary's College for Girls, Lahore, Punjab" substitute the following, *viz.*:—

"Miss Mary Priscilla Western, Assistant Principal, Queen Mary's College for Girls, Lahore, Punjab."

*The 4th February 1914.*

**No. 180-I.A.**—In exercise of the power conferred by Section 15 of the Cantonments Act, 1910 (XV of 1910), as applied to the Cantonment of Baroda by the Notification of the Government of India in the Foreign Department, No. 162-I.B., dated the 28th January 1913, the Governor-General in Council is pleased to cancel the following Notifications of the Government of India in the Foreign Department with effect from the 1st April 1914:—

No. 135-I., dated the 11th January 1884.

No. 1877-I., dated the 9th May 1889.

### ERRATUM.

*The 4th February 1914.*

**No. 182-I. B.**—In the second column of the schedule to the notification of the Government of India in the Foreign Department, No. 947-I. B., dated the 24th April 1913, specifying the taxes payable in aid of the funds of the Akola and Shegaon Municipalities by the Administration of the Great Indian Peninsula Railway, for the words "Rates and taxes on buildings" the words "House tax" shall be substituted.

J. B. WOOD,

*Secretary to the Government of India.*

## HOME DEPARTMENT.

### NOTIFICATIONS.

### ESTABLISHMENTS.

*Delhi, the 3rd February 1914.*

**No. 141.**—Mr. J. Byrne has been permitted to resign His Majesty's Indian Civil Service with effect from the 6th November 1913.

### JUDICIAL.

*The 3rd February 1914.*

**No. 798-C.**—In exercise of the power conferred by section 527, sub-section (1) of the Code of Criminal Procedure, 1898 (Act V of 1898), the Governor-General in Council is pleased to direct the transfer of the Criminal case, Lala Mangal Sen, Managing Director of the Hindustan Assurance and Mutual Benefit Society, Ltd., *versus* Rai Bahadur Mulraj and others, accused under section 500, Indian Penal Code, from the Court of the Presidency Magistrate, Madras, to that of the District Magistrate, Lahore.

*The 4th February 1914.*

**No. 823-C.**—In pursuance of section 3 of the Indian High Courts Act, 1911 (1 and 2 Geo. 5, cap. 18), the Governor-General in Council is pleased to appoint the following gentlemen to be Temporary Judges of the High Court of Judicature at Fort William in Bengal for a period of two years with effect from the 5th February 1914 :—

Mr. Syed Hassan Imam, Barrister-at-Law.

Mr. Charles Porten Beachcroft, I.C.S.

Mr. Edmund Pelly Chapman, I.C.S.

**No. 824-C.**—In pursuance of section 3 of the Indian High Courts Act, 1911 (1 and 2 Geo. 5, cap. 18), the Governor-General in Council is pleased to appoint Mr. Basanta Kumar Mullick, I.C.S., to be a Temporary Judge of the High Court of Judicature at Fort William in Bengal for a period of two years with effect from the 11th March 1914.

*The 6th February 1914.*

**No. 864-C.**—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Governor-General in Council is pleased to direct that the name of Rani Murari Kumari Devi of Bhinga be substituted *for* that of the late Raja Udai Partab Singh, C. S. I., of Bhinga, in clause 19 (*b*) of schedule I of the Indian Arms Rules, 1909.

### MEDICAL.

*The 6th February 1914.*

**No. 897-C.**—The services of Captain F. B. Shettle, Indian Medical Service, are placed temporarily at the disposal of the Government of Bombay for civil employment.

### PORT BLAIR.

*The 30th January 1914.*

**No. 22.**—Engineer W. W. Collins, Royal Indian Marine, is appointed to be Engineer and Harbour Master, Port Blair, with effect from the 1st January 1914.

**No. 25.**—Engineer W. W. Collins, Royal Indian Marine, Engineer and Harbour Master, Port Blair, is appointed to be an Assistant Superintendent in the Settlement so long as he holds his present office or until further orders.

### POLICE.

*The 3rd February 1914.*

**No. 794-C.**—Mr. John Wood Nelson, Indian Civil Service, is appointed to be Personal Assistant to the Director, Criminal Intelligence, with effect from the forenoon of the 28th January 1914.

H. WHEELER,
*Secretary to the Government of India.*

## HOME DEPARTMENT.

### NOTIFICATION.

### POLICE.

*Delhi, the 7th February 1914.*

**No. 900-C.**—The following papers having been presented to Parliament by His Majesty's Secretary of State for India are published for general information.

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No. 3, dated Simla, the 24th July 1913.

From—The Government of India, Home Department,

To—His Majesty's Secretary of State for India.

We have the honour to communicate for Your Lordship's information the result of an examination which we have made in consultation with local Governments of certain important considerations relating to the recording of the confessions of persons accused of criminal charges.

2. The enquiry formed part of a general examination, which was initiated in 1911, of the provincial rules in force governing various matters connected with the investigation of offences by the police, the object of which was to apprise all local Governments of the action which had been taken in other provinces towards dealing with the same subjects, and to ensure the further scrutiny of the local regulations with a view to remedying possible defects in them and embodying provisions which had been found useful elsewhere. With our Home Department letter of the 12th July 1911, we accordingly circulated a précis of the orders in force on the subject of the procedure to be followed in the production before magistrates of accused persons who had intimated a wish to confess, and in the actual record by magistrates of the confessions of persons who were thus brought before them, and while inviting opinions regarding amendments which might suggest themselves, we particularly asked for answers to the following questions, namely :—

(1) whether, on a balance of advantages and disadvantages, it facilitated the ends of justice to have confessions recorded at all before the trial commences, except in very special circumstances and by the orders of the District Magistrates ;

(2) whether, assuming that the practice of recording confessions before trial continued, it was practicable to introduce more stringent safeguards against abuse ; and

(3) whether the actual procedure of magistrates in recording confessions was susceptible of improvement.

We annex copies of the replies received (enclosures nos. 2 to 11), and in reviewing the matter we have had regard to various suggestions which have been mooted by questions in the House of Commons and in the course of discussion in the Imperial Legislative Council, indicating possible lines of reform. Briefly these may be said to comprise the prohibition of all record of confessions prior to trial, or a legal instruction to the effect that no conviction could be based upon a confession, once made but subsquently retracted, unless the commission of the offence was materially corroborated by direct evidence.

3. As Your Lordship is aware, the powers of magistrates to record statements or confessions made in the course of police investigations are defined in section 164 of the Criminal Procedure Code which runs as follows :—

"164 (1) Every Magistrate not being a police-officer may record any statement or confession made to him in the course of an investigation under this Chapter or at any time afterwards before the commencement of the inquiry or trial.

"(2) Such statement shall be recorded in such of the manners hereinafter prescribed for recording evidence as is, in his opinion, best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and such statements or confessions shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

"(3) No Magistrate shall record any such confession unless upon questioning the person making it, he has reason to believe that it was made voluntarily ; and, when he records any confession, he shall make a memorandum at the foot of such record to the following effect :—

"I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(Signed) A. B.,

*Magistrate.*

"*Explanation.*—It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case."

The major issue raised in the discussion of this matter involves the cancellation of these provisions; the minor issues cover the possibility of adopting further precautions with the object of securing that confessions are only recorded if voluntarily made. Underlying the consideration of the whole question is the desire to prevent any miscarriage of justice, arising from the record of confessions which are not willingly volunteered, or which are taken down in circumstances, in which it cannot be guaranteed that they contain a full statement of what the accused person really wishes to say; and with that desire it is needless to state that we are in complete sympathy. The dangers to be avoided are the misuse of their powers by the investigating police in order to induce persons charged with offences to make false admissions of guilt, and the intervention of inexperienced magistrates who do not appreciate the necessity of ascertaining the circumstances in which a statement is made or of recording it carefully and in detail. We have no wish to deny these risks or to refrain from any measure calculated to minimize them, and we think that it may fairly be claimed that they have long been generally recognized, as is shown by the instructions already issued. There are, however, considerations which deserve to be carefully weighed before the simple expedient is accepted of abolishing the recording of all confessions made before trial, and in dealing with the question we think it essential that it should be approached, not from the standpoint of condemning the whole police force as unscrupulous, but rather with the desire to encourage among the police a spirit of pride in their work, to discourage attempts to substitute confessions for intelligent detective methods, and to emphasise the disgrace which attaches to resort to the ill-treatment of prisoners. We believe that this feeling is to be found among the new generation of police to a greater extent than is frequently credited, and our policy should proceed upon its recognition rather than upon an attitude of widespread distrust.

4. Reverting to the main consideration whether the recording of confessions prior to trial shall be allowed at all, the salient feature of the correspondence is the practical unanimity of judicial authority against any prohibition. With the exception of the Lower Burma Chief Court, three Judges of the Madras High Court and one Judge of the Bombay High Court (differing, in the two instances last mentioned, from the majority of their colleagues), the leading Courts in other provinces traverse the arguments advanced in our letter of the 12th July 1911, and urge that no such departure of practice is required. That these high judicial officers are unwilling to approve of any such prohibition is a valuable indication of the fact that these confessions are not regarded in the majority of cases as false or tainted; in fact, the instances in which the courts express a positive opinion that a bogus confession has been obtained by reason of the tutoring or ill-treatment of the prisoner by the police are, we believe, few. It happens, no doubt, that the courts may think it unsafe, in the absence of other evidence, to convict upon the basis of a retracted confession, but this is not necessarily synonymous with a finding that the confession was untrue or that it had been obtained by improper means. The local Governments are in general agreement in this matter with the courts. The Government of Madras regard the idea of prohibition as unnecessary and inopportune; that of Bombay is convinced that to forbid the recording of confessions before trial would be to put a serious hindrance in the way of administering justice, which might end in the necessity of altering the law so as to make police officers competent to testify to statements made to them by accused persons. The Government of Bengal and the late Government of Eastern Bengal and Assam concur in the view of the Calcutta High Court that a man alleged to be implicated in a crime should be permitted to make any statement he likes before a trustworthy and experienced magistrate. The Lieutenant-Governor of the United Provinces draws attention to various orders which are in force prescribing the proper use of confessions, and the Lieutenant-Governor of Burma regards a confession as evidence, for what it is worth, which should not be intentionally ignored; he holds that it would be disastrous to discard the evidence of confessions. The Chief Commissioner of the Central Provinces considers that the abandonment of the magisterial record of confessions would in no way reduce either the temptation, or the opportunities to put pressure on accused persons, and if this, therefore, is the main object of change, it would not be achieved. The Chief Commissioner of the North-West Frontier Province would encourage the making of confessions, leaving it to the judiciary to assess them at their proper value and to bring to notice any allegations of their having been extorted by improper means.

5. In the face of this consensus of opinion we are not prepared to support the radical modification of procedure which has been suggested. Practically the upshot of the discussion is that much experience shows that confessions are frequently willingly made in circumstances which afford no ground for doubting their truth; their prompt record by a responsible magistrate at least ensures that there is no conflict as to what the accused actually did say, and as long as statements made to a police officer are inadmissible in evidence, this result can only be secured in this way; the degree of credence to be attached to such a statement is for the court to determine, but because abuses may occur there is no cause to refuse entirely to accept this source of information; the proper remedy is to minimise the chances of its being abused. The advocates of prohibition are ordinarily actuated by two expectations, firstly, that it will do away with one of the principal incentives that the police have for ill-treating accused persons, and secondly, that it will compel the police to rely upon evidence and the

pursuit of clues in place of the confession of the accused, as a means of securing the conviction of the guilty. Of these two arguments most weight attaches, probably, to the second, which usually influences those executive and police officers who incline towards this policy, although it should be possible to achieve the end in view by other means. But the prohibition of confessions would do little in itself to diminish the risk of the ill-treatment of the accused, because the obtaining of a confession is not the sole, or even the principal, motive which induces incompetent or dishonest police officers to resort to a mixture of coaxing, threatening, worry and ill-usage; their object is rather to induce the accused to give up stolen property or to indicate where some clue may be found, and the opportunities of putting pressure on him with this in view would still exist. If this is the case it seems to us to be unwise to ignore the proved fact that the novice in crime in this country is frequently unable to keep his guilty knowledge to himself, while even the more hardened criminal not infrequently insists upon unburdening his mind, and the prohibition of confessions would only deprive the courts of evidence which in many cases may be quite reliable and of value, without ensuring that a higher standard of police investigation will be attained in consequence. That confessions, after they are made, are frequently retracted is not surprising; once the accused finds himself awaiting trial there are his fellow-prisoners and, in some instances, possibly even the prison-warders, to advise him to withdraw his statement and adopt a line of defence, which they sometimes suggest. It is easy to represent that retractation can do no harm, while it may turn the scale in his favour, and after the first moment of excitement in which the confession was made these considerations may well prevail; but that fact does not inevitably indicate that the first confession was false, and for what it is worth, we are strongly of opinion that the court should be able to consider it.

6. Our conclusion in this respect need not, however, prevent the adoption of any measures calculated to discourage the police from placing reliance on confessions and thus neglecting to pursue definite clues, to diminish the risk of the ill-treatment of accused persons, or to give surer guarantees that confessions made under section 164 are really voluntary and are carefully recorded, and we proceed to discuss *seriatim* the various suggestions which the correspondence has revealed. Some of these were put forward in our letter of the 12th July 1911, others have been advanced by local Governments.

(*a*) *Proposal that the police should be forbidden to question a prisoner once he has been arrested.*

The Madras Government recommened the issue of instructions to make it clear that when the police are endeavouring to discover the author of a crime there is no objection to their making enquiries of, or putting questions to, any person from whom they think they can obtain useful information, but that when once an accused person has been arrested, while they may, and indeed should, listen to any statements which he may voluntarily make they should be strictly forbidden to interrogate him or press him to make a statement. The primary duty of the police after arrest is to take an accused person before a magistrate within the time prescribed in section 61 of the Criminal Procedure Code, and it is only in very exceptional circumstances that he should thereafter be returned to police custody. We understand that the instructions actually issued in Madras further stipulate that if the police desire to question an accused after arrest, the permission of the magistrate must be obtained. We welcome these suggestions as most useful, and are prepared to direct their general adoption. It is true that no rules will prevent the police from questioning a man if they wish to do so and have the opportunity while he is in their custody, but if they do so they will know that they are acting contrary to rule, and it is only by the steady pressure of instructions, that they will be made to understand that attempts to obtain confessions are not only improper but a sign of want of intelligence or a lack of industry. It would be irrational to forbid the interrogation of a man while he is merely a suspect, but once he has been arrested (and he should not be arrested on insufficient evidence) he should not be pressed to incriminate himself. The object, in fact, is to limit the use of section 164 as far as possible to cases in which the accused is really anxious to unburden his mind before a magistrate. Making allowances for differences in the Indian system as to the evidential value of statements made to the police, the remarks of Lord Brampton on the point in an address to English constables [of which we annex an extract (enclosure no. 12)] seem to us clearly to summarise the appropriate principles to be followed.

(*b*) *Proposal that a prisoner who has confessed should, in no circumstances, be returned to police custody.*

This was mooted in our letter of the 12th July 1911, and the general views of those consulted is that an absolute prohibition of remands to police custody after confession is impracticable, since the prisoner may be required to identify persons or property, to assist at the discovery of property, or, generally, to be present while his statement is being verified. It is moreover to be remembered that it is not the prisoner who has made a confession that stands in much danger of ill-treatment; it is true that he might be further tutored, but it is rather the man who has been sent up to make a statement and who, at the last moment, declines to do so, whom the police are likely to molest. While, however, a rigid restriction of remands

is opposed there is evidence that the cautious exercise of the power to remand may rightly be insisted upon, and after consideration of the various suggestions made we think the following principles should be insisted upon :—

(*i*) A remand to police custody should not be given unless the officer making the application is able to show good and satisfactory grounds for it ; a general statement that the accused may be able to give further information should not be accepted.

(*ii*) No such order should be passed by an officer of lower status than a stipendiary magistrate exercising 2nd class powers.

(*iii*) Whenever possible, where the object of the remand is the verification of the prisoner's statement, he shall be remanded to the charge of a magistrate. (The Calcutta High Court would forbid the presence of the investigating police and direct the magistrate merely to confine his attention to verifying the facts alleged, while refraining from any attempt to obtain admissions in corroboration of new facts, but in practice, we think it impossible to attempt an absolute direction to this effect. The presence of the investigating police may, in certain circumstances, be essential, while the magistrate may be trusted to exercise a proper discretion.)

(*iv*) The period of the remand should always be as short as possible.

(*v*) A prisoner who has been produced for the purpose of making a confession, and who has declined to do so, or has made a statement which, from the point of view of the prosecution, is unsatisfactory, should in no circumstances be remanded to police custody.

(*vi*) So far as is practicable, confessing prisoners while in jail awaiting trial should be separated from others.

All these safeguards should materially diminish any risk of abuse of the power to remand to police custody, and at the same time they recognise the practical conditions in which investigations, etc., are conducted, which in some instances preclude the issue of absolutely rigid rules.

(*c*) *Proposal that confessions should only be recorded by a magistrate having jurisdiction, a 1st class magistrate or a specially empowered 2nd class magistrate.*

There is practical agreement among those consulted that the more experienced and responsible the magistrate who records a confession the better. While the risk that a junior magistrate is likely to be improperly influenced by the police is apt to be exaggerated, the presumption is that the more senior officers are more likely to observe carefully the prescribed procedure and to bring a more mature judgment to bear. Good reason has been shown for discarding the condition that the magistrate before whom the accused is brought must be the one who will commit or try the case, but we are willing to limit the recording of confessions to sub-divisional magistrates, stipendiary magistrates of the 1st class, or of the 2nd class if specially empowered. We have not overlooked the opinion of the Madras Government that an absolute restriction to 1st class magistrates, who may be on tour, may be inconvenient, or the suggestion of the Government of Bombay that recourse might be had to a magistrate of lower status if a higher officer cannot be reached within a specified time, which is analogous to a rule already current in the United Provinces to the effect that "every confession which a prisoner in police custody wishes to make should be recorded by the highest magistrate, short of the district magistrate, who can be reached in a reasonable time." The Calcutta High Court would also recognise that a magistrate of lower status may be called in if no other is available, but on the whole, we think that such instances of practical inconvenience will be few, and we would be prepared to ignore them in view of the advantages of restricting the record of confessions to courts of status and experience.

(*d*) *Proposal that no prisoner should be produced for record of his confession unless he has spent at least one night out of police custody.*

The answers received indicate that while the principle underlying the suggestion is recognised to be sound, no definite rule to this effect is practicable. We think that all that can be done is to deprecate the immediate examination of an accused person, directly the police bring him into court, and to suggest the advisability (where possible) of giving him a few hours for reflection, in circumstances in which he cannot be influenced by the police, before his statement is recorded.

(*e*) *Proposal that no accused person shall be produced before a magistrate to make a confession until he has been examined by the district superintendent or assistant superintendent of police.*

A rule to this effect is current in the Meerut district of the United Provinces, but while it is desirable that the orders of such an officer should be taken at this stage (and equally before a remand to police custody is asked for) a definite instruction to this effect is likely to be inconvenient, as the higher police officers are frequently absent on tour. The procedure might be enjoined as desirable, when practicable.

(*f*) *Proposal that when a confession is recorded the investigating police shall not be present*

This suggestion is offered by the Bengal Government, with whom the High Court agrees, and in the United Provinces there is an instruction to this effect, as also that the fact shall be noted on the record. The precaution seems reasonable, and we would support it for general adoption.

(*g*) *Proposal that confessions should ordinarily be recorded in open court and during court hours, unless for exceptional reasons.*

This too is favoured by the Bengal Government, the idea being, presumably, that all shall be done openly and above board. There may be circumstances requiring a different procedure, but ordinarily that suggested should be feasible, and it possesses some advantages.

(*h*) *Proposal that confessing prisoners should be questioned by the court whether they have any complaints of ill-treatment to make.*

Of the local Governments who have noticed the point, those of the United Provinces and Eastern Bengal and Assam support the idea, but the Government of Bengal is opposed to the inviting of complaints, and the Allahabad High Court notes that the procedure would be of little benefit. The Chief Commissioner of the North-West Frontier Province considers that it is open to strong objection. It appears to us that the essential point is that the magistrate should satisfy himself that the confession is being voluntarily made, and we would prescribe no direct interrogation of the kind suggested, if an accused person has been coaxed or intimidated into making a false confession, he will certainly have been tutored to deny that he has had any pressure or force put upon him.

(*i*) *Proposal that a magistrate should question the confessing prisoner with the view of ascertaining the exact circumstances in which his confession was made and the connection of the police with it.*

This is advanced by the Government of Madras, and it merges in a wider proposition which emanates from other quarters (noticeably from Burma and the Central Provinces) that it should be the endeavour of the Court to record the confession in as much detail as possible, with a view of affording material from which its genuineness can be judged and of testing whether it is freely made or is merely the outcome of suggestion. We are aware that anything like the cross-examination of the accused has been rightly deprecated by the courts, but it seems to us to be desirable that, without any attempt at heckling or endeavour to entrap the accused, a magistrate should record his statement with as much detail as possible. The more detailed a confession the greater the chances of correctly estimating its value. It is also useful to know precisely how it came to be made, to what extent the police had anything to do with the accused prior to it, and in the confession itself, the fullest possible particulars of the incidents involved. The questions and answers would of course be recorded, and any misuse of the procedure would thus be detected. It would also be expedient that the magistrate should add to the certificate required by section 164, in his own hand, a statement of the grounds on which he believes that the confession is genuine, the precautions which he took to remove the accused from the influence of the police and the time (if any) given to him for reflection. In the United Provinces nine definite questions are prescribed calculated to ensure that the confession is being voluntarily made, but such detail is, on the whole, to be deprecated. But if a record of the general character indicated was made, the attention of the magistrate would be directed towards the possible risks against which he had to guard, and the full circumstances of the confession would be stated at the time.

7. These proposals cover the different safeguards which, after careful examination of the circumstances surrounding this difficult question, we are prepared to recommend, and if they meet with Your Lordship's approval, we will address local Governments requesting them to amend their rules in conformity with them, after such consultation with the different High Courts, etc., as may be necessary. So far as possible we would prefer to proceed by the issue of instructions, but the necessity of amending the law can be further considered when the policy to be followed is finally approved. We will await Your Lordship's reply, however, before any action on these lines is taken.

8. As it appeared to be possible that Your Lordship might desire to make public the discussions on the important questions now raised we have obtained the concurrence of the Judicial authorities who have been consulted to that course.

We have the honour to be,

My LORD MARQUESS,

Your Lordship's obedient, humble servants,

HARDINGE OF PENSHURST.
O'MOORE CREAGH.
HARCOURT BUTLER.
S. A. IMAM.
W. H. CLARK.
R. H. CRADDOCK.
W. S. MEYER.

## LIST OF ENCLOSURES.

1. Letter to local Governments and Administrations, no. 781-90, dated the 12th July 1911, and enclosure, *viz.* :—

(*i*) Appendix.

2. Letter from the Government of Madras, no. 1278-4, dated the 12th June 1912, and enclosure, *viz.* :—

(*i*) Minutes by the Honourable the Judges of the High Court, Madras.

3. Letter from the Government of Bombay, no 3780, dated the 17th May 1912, and enclosure, *viz.* :—

(*i*) Minutes by the Honourable Mr. B. Chaubal, dated the 25th April 1912.

(*ii*) Minutes recorded by certain Judges of the Bombay High Court.

4. Letter from the Government of Bengal, no. 1347-P. D., dated the 28th May 1912, and enclosure, *viz.* :—

(*i*) Letter from the Registrar, High Court, Calcutta, no. 75, dated the 29th February 1912,

5. Letter from the Government of the United Provinces, no. 1532, dated the 8th May 1912, and enclosure, *viz.* :—

(*i*) Letter from the Judicial Commissioner of Oudh, no. 2258-XIV—380, dated the 27th September 1911, and enclosure, *viz.* :—

(*a*) Opinions recorded by the Judicial and Additional Judicial Commissioners of Oudh.

(*ii*) Letter from the Registrar, High Court, Allahabad, no. 6090, dated 18th November 1911.

6. Letter from the Government of the Punjab, no. 18-C, dated the 2nd December 1913, and enclosures (*i* to *vii*).

7. Letter from the Government of Burma, no. 602-T-7-P.-2, dated the 1st June 1912, and enclosures, *viz.* :—

(*i*) Letter from the Registrar, Chief Court, Lower Burma, no. 92-16-3, dated the 9th January 1912, and enclosures, *viz.* :—

(*a*) Chief Court's General Letter no. 6, dated the 20th September 1911.

(*b*) Chief Court's Circular of 1912.

8. Letter from the Government of Eastern Bengal and Assam, no. (——), dated the 31st March 1912.

9. Letter from the Chief Commissioner, Central Provinces, no. 116, dated the 4th April 1912, and enclosures, *viz.* :—

(*i*) Letter from the Deputy Commissioner, Narsingpur, no 559, dated the 30th August 1911.

(*ii*) Letter from the Registrar, Judicial Commissioner's Court, Central Provinces, no. 3187-1—37-2-11, dated the 14th September 1911.

10. Letter from the Chief Commissioner, Coorg, no. 141, dated the 13th January 1912, and enclosures, *viz.* :—

(*i*) Judicial Commissioner, Coorg's Circular no. 12, dated the 27th February 1895.

(*ii*) Judicial Commissioner, Coorg's Circular no. 2, dated the 21st December 1906, and Appendix.

(*iii*) Coorg District Magistrate's Standing Order no. 2 of 1908.

11. Letter from the Chief Commissioner and Agent to the Governor-General, North-West Frontier Province, no. 2383-G., dated the 20th November 1911.

12. Extract from Lord Brampton's address to English Police Constables.

Enclosure no. 1.

No. 781—790, dated Simla, the 12th July 1911.

From—A. EARLE, Esq., C.I.E., Secretary to the Government of India, Home Department.

To—
- The Chief Secretary to the Government of Madras.
- The Secretary to the Government of Bombay, Judicial Department.
- The Chief Secretary to the Government of Bengal.
- The Chief Secretary to the Government of the United Provinces.
- The Chief Secretary to the Government of the Punjab.
- The Chief Secretary to the Government of Burma.
- The Secretary to the Government of Eastern Bengal and Assam, Police Department.
- The Honourable the Chief Commissioner of the Central Provinces.
- The Honourable the Chief Commissioner and Agent to the Governor-General in the North-West Frontier Province.
- The Chief Commissioner of Coorg.

I am directed to draw {the Governor in Council / the attention of the Lieutenant-Governor in Council / His Honour the Lieutenant-Governor / your attention} to the question of the procedure to be followed both in the production before Magistrates of accused persons to have their confessions recorded, and in the recording by Magistrates of the confessions of persons so produced. The Government of India will be glad if [ {the Governor in Council / with the permission of the Lieutenant-Governor / His Honour the Lieutenant-Governor} ] the provincial regulations on this subject may be examined, and a report submitted with specific suggestions for amendment, where needed, in the light of the remarks in the following paragraphs. To facilitate the task, a précis is sent herewith of the rules in force in other provinces for your information. It is suggested that, as the subject is so closely connected with the administration of justice, the views of the highest judicial authorities may be invited, and that their efforts to put down such abuses as still exist may be co-ordinated with those of the local Government.

2. The question to be considered in connection with confessions, is whether, on a balance of advantages and disadvantages, it pays to have them recorded at all, before the trial commences except in very special circumstances and by order of the District Magistrate. In an unsophisticated community a confessing prisoner will ordinarily persist in his confession throughout the proceedings against him and no good is secured by hurrying him before a Magistrate prior to his trial. In other circumstances a genuine confession may possibly be obtained in the first excitement of the enquiry, but it will frequently be retracted later, and experience shows that in such a case the courts will demand such ample corroboration as would have been adequate for a conviction even without the original confession. The Government of India wish, in the first place, that this question should be considered.

3. Should, however, {Madras / the Bombay Government / Bengal, etc. / you} not consider it possible in present circumstances to go so far as to stop altogether the recording of confessions before trial on the motion of the police, the Government of India would wish the safeguards which already exist to be further examined with a view to increased stringency. It should, at any rate, it is thought be possible to forbid absolutely the production of prisoners before Magistrates of the third class and to give the power only to the Magistrate having jurisdiction in the case, or at least to a 1st class, or specially selected 2nd class Magistrate. It should also be considered whether it is not feasible to make it an absolute rule that once a prisoner has confessed he should in no circumstances be given back into police custody. It might also be possible to lay down that before a confession is recorded an accused person should have spent at least one night out of police custody. In a separate letter, the Government of India have suggested the adoption of the Bombay rule that all persons when first produced after arrest should be questioned as to whether they have suffered ill-treatment at the hands of the police. The Government of India hope that it will also be possible to adopt the Bombay procedure on the same subject as regards confessing prisoners. Other precautions may, I am to add, suggest themselves to [ {the Governor in Council / the Lieutenant-Governor in Council / His Honour the Lieutenant-Governor / you} ]. If so the Government of India will be glad to consider them.

4. There remains the question of the actual procedure before the Magistrate in the event of confessions being allowed to be recorded. This is more a matter, the Government of India think, for the judicial authorities than for the local Government. Subject, however, to what they may have to say, the Government of India think that the material contained in the précis will be found to be suggestive.

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Enclosure no. 1 (*i*).

## APPENDIX.

*The Punjab and the North-West Frontier Province.*—Most elaborate rules have been laid down in the Punjab, chiefly by the Chief Court. Many of the instructions are merely a repetition or amplification of those contained in sections 164 and 364 of the Criminal Procedure Code, but the following are the chief additional instructions:—

(1) Magistrates before whom the police produce any person to make a confession should, before recording the confession, consider whether the person should not be taken before a magistrate of higher rank, and, in doing so, should particularly bear in mind the distance to be travelled, the time it would take to cover the distance, and the urgency and importance of the case.

(2) Magistrates deciding cases should bring to the notice of the District Magistrate any case of a confession which has, in their opinion, been recorded by a magistrate of the 2nd or 3rd class without adequate reason.

(3) Magistrates of the 3rd class should record confessions only under very exceptional circumstances.

(4) The magistrate is directed to desire the accused person to add his signature or mark to the confession, and, if the accused person declines to do so, the magistrate has to state the fact and the reason, if any, assigned by the accused person for so declining.

(5) The magistrate is required, before recording the confession, to record in the memorandum which he is bound by law to make, the steps taken by him to ascertain that the accused person is acting voluntarily in making a confession. In particular, he has to enquire into the circumstances under which a confession is made, the length of time a confessing prisoner has been under suspicion before arrest and the opportunities afforded to his accuser or to the police to induce a confession improperly.

(6) In considering whether the prisoner should be sent to a magisterial lock-up or be remanded to the police, the magistrate should be guided according to the opinion formed—

(*i*) whether the confession is voluntary or improperly obtained, and

(*ii*) whether, in case of opinion that the confession is voluntary, he considers that the return of the prisoner to the police is of importance to the proper preparation of the case.

Police instructions supplement the Chief Court's orders by laying down—

(1) That police officers should take accused persons, who are ready to make confessions to the highest magistrate, short of the District Magistrate, who can be reached in a reasonable time, and should avoid, as far as possible, getting a confession taken by an Honorary Magistrate who, by reason of recent appointment, inexperience or other cause, is imperfectly acquainted with the law.

(2) All cases in which the accused person is ready to make a confession, should, whenever possible, be taken up personally by a gazetted police officer.

(3) That, if the investigation of a case cannot be completed within the 24 hours prescribed by section 61 of the Criminal Procedure Code, the investigating police officer should never apply (under section 167 of the Code) to a magistrate for further detention in police custody on the ground that an accused person is likely to confess, and should not apply for such detention, except upon the following grounds:—

(*i*) That it is necessary to compare the accused person's footprints with the tracks to and from the scene of offence.

(*ii*) When the accused person offers to point out stolen property or property taken in the offence, a weapon or other articles with which the offence was committed, or evidence of value in the case, and there is reason to believe that the offer is made *bonâ fide*.

(*iii*) When it is believed that persons living along the supposed route taken by the accused person might be able to identify him, and when it is considered unreasonable to expect such persons to come forward upon the chance of being able to give evidence.

(*iv*) Any other good and sufficient special reason.

The rules in the North-West Frontier Province are the same as those in force in the Punjab, with some omissions.

*Madras.*—In Madras, the instructions issued by the High Court are far less elaborate than those issued by the Chief Court of the Punjab. They are briefly to the following effect:—

(1) Village magistrates are absolutely prohibited from reducing to writing or taking the signature of an accused person to any confession or statement whatever made by him.

(2) No magistrate should record any confession or statement made by an accused person under section 164 of the Criminal Procedure Code until he has first recorded in writing his reason for believing that the accused is going to make such statement voluntarily, and until he has explained to the accused that he is under no obligation to answer any question at all, and warned him that it is not intended to make him an approver and that anything he says will be used against him.

(3) Confessions or statements are not in any case to be recorded, nor the warning above-mentioned to be given, in the presence of the police officers who have arrested or produced the accused.

(4) If a magistrate has a doubt whether the accused is going to speak voluntarily, he may, if he thinks fit, remand him to a sub-jail before recording the confession or statement.

(5) Magistrates are particularly cautioned to guard against accused persons, who are under remand in a sub-jail, being subjected to any interference or undue influence by the police. Once a prisoner is brought before a magistrate for remand (in a sub-jail), the investigating police officers should not be allowed to have anything to do with him nor to see him, except in the presence of the magistrate.

Police instructions supplement the High Court's order—

(1) By explaining, with reference to the saving clause in section 26 of the Evidence Act, which recognises the validity of a confession made to a police officer in the presence of a magistrate, that as soon as the prisoner is produced before a magistrate that functionary, and not the police officer, must conduct all subsequent proceedings and take the statement of the accused.

(2) By directing that all oppression and trickery in regard to obtaining confessions are to be avoided by the police under pain of the severest penalties.

(3) By directing that the police are never to prosecute upon a confession alone, however spontaneously given, and explaining that the only use to make of such confessions is to follow up clues thereby given and circumstances so indicated from other unquestionable sources.

(4) By directing, with reference to the special provisions of section 27 of the Evidence Act, which allows of the proving of so much of a confession made to the police as distinctly relates to facts thereby discovered, that if a disclosure is volunteered by any person in the custody of a police officer, the latter shall, with a view to refreshing his memory, if called on to give evidence, make, if possible immediately, a memorandum of the disclosure in the precise words used by the prisoner and read over the memorandum to the prisoner, but should not take the prisoner's signature on the paper.

*The United Provinces.*—In the United Provinces the High Court have not laid down any orders of their own, but have, in their rules and orders, directed a reference to the instructions issued by the local Government. The local Government has issued instructions to the following effect:—

(1) In addition to the memorandum required by section 164 of the Criminal Procedure Code, the magistrate is required to state briefly his reasons for believing that a confession has been made voluntarily.

(2) The magistrate is required to see that the police who have been concerned in the investigation, or effected the arrest, are excluded from the Court while the accused person is being questioned, and to take down a note that this precaution has been observed.

(3) In cases of dacoity and other serious crime, it is directed that confessions should be recorded by the District Magistrate, or by a European Magistrate of some standing, in whatever part of the district the crime may have been committed.

The Police regulations lay down—

(1) That the truth of a confession should be tested before steps are taken to have it recorded.

(2) That confessions shall be recorded by the highest magistrate, short of a District Magistrate, who can be reached in a reasonable time.

In addition to the above, a circular issued by the Inspector General of Police, dated the 15th July 1908, warns all District Magistrates and Superintendents of Police against the tendency to rely on confessions and statements unsupported by material or corroborative evidence, and enjoins the free employment of assistant and deputy superintendents in supervising investigations with the object of counteracting the evil. Similar orders are contained in paragraph 4 of the Resolution of the local Government on the police report for 1907 and in paragraph 2 of the Resolution on the police report for 1908. These orders are further developed in paragraph 2 of the Resolution on the police report for 1909, wherein the responsibility of superintendents and their assistant and deputy superintendents in the matter is emphasised. In the Meerut district special orders obtain, directing that a confessing prisoner should not be taken before a magistrate to have his confession recorded, until he has been examined by the superintendent or by the assistant superintendent of police, directing the police not to request tahsildars and local magistrates to record confessions, and laying down that as a general rule confessions should only be recorded before a first class magistrate at head quarters or by a sub-divisional magistrate.

*Eastern Bengal and Assam.*—The instructions of the Calcutta High Court are :—

(1) The magistrates should act with deliberation in examining persons brought before them for the purpose of making confessions, and should satisfy themselves that the confession is voluntary, not merely from the declaration of the accused, but from an attentive observation of his demeanour.

(2) That the police officers, who brought the prisoner, should not be allowed to be present while the confession is being taken, or to suggest questions to be put to the prisoner.

The police instructions are :—

(1) That though police officers should make use of confessions if they are voluntarily made, they are warned, firstly, against working with the object of obtaining a confession, and secondly, against relying unduly on confessions or admissions to prove a case.

(2) That anything which savours of oppression or trickery in ascertaining a confession must be avoided, and that the first aim of a police officer should be to obtain the necessary circumstantial and oral evidence.

(3) Police officers are warned that confessions are often made in order to mislead the enquiring officers, are rarely true in all particulars, are frequently made in order to throw blame on other persons, or with a view to deter from further enquiry and are generally retracted in Court, in which case, if they stand alone and uncorroborated, they have little or no prohibitive value.

(4) That in many important cases the evidence of an approver is necessary to prove the organisation and doings of the gang, that, if an accused person confesses and names his accomplices, the investigating officer should at once take him before a magistrate for the purpose of having his confession recorded, and that, after this has been done, he should consult the Superintendent of Police as to whether steps should not be taken to have the confession verified.

If the Superintendent considers the case of sufficient complexity and importance to justify this procedure being adopted he will lay the facts before the District Magistrate, who, if he agrees with the Superintendent, will depute a magistrate to verify the confession locally. During such verification the prisoner is to be in the custody of the magistrate, and the police are to have no concern with him.

*Bengal.*—The instructions of the Calcutta High Court are :—

(1) That magistrates should act with deliberation in examining persons brought before them for the purpose of making confessions, and should satisfy themselves that the confession is voluntary, not merely from the declaration of the accused, but from an attentive observation of his demeanour.

(2) That the police officers, who brought the prisoner should not be allowed to be present while the confession is being taken, or to suggest questions to be put to the prisoner.

The police instructions are—

(1) That the police should be made to realise that a confession, when it is made, is not a final, but rather an initial stage in the investigation, and that corroborative evidence is always required.

(2) That investigating officers should be instructed not to work mainly for confessions, and not to rely on them too much, when made.

(3) That in important cases in which an accused person confesses and names accomplices, the investigating officer shall produce the accused, as soon as possible, before a magistrate with a view to having his confession recorded, and at the same time consult the superintendent of police as to whether steps shall be taken to have the confession verified. If this is agreed to by the authorities concerned,

the superintendent will ask the magistrate to depute some one in Government service, other than a police officer, to verify the confession locally by way of corroborating the confession.

(4) That, during the period of verification, the confessing accused person shall be in the custody of the officer deputed to make the verification, and not in that of the police.

In Calcutta section 164 of the Criminal Procedure Code is not in force, the Commissioner of Police taking the place of the magistrate. In the suburbs of Calcutta, confessing prisoners are taken before magistrates who have jurisdiction to try the case and to no other magistrate.

*Bombay.*—The Bombay High Court have issued the following instructions :—

(1) Magistrates are particularly warned to satisfy themselves that no inducement, threat or promise has been made in order to induce a confession, and to arrive, by questioning the accused, at a positive belief that a confession has been voluntarily made, before signing the certificate prescribed by section 164 of the Criminal Procedure Code. In the latter connection the magistrate should, wherever possible, examine the body of the accused, provided that the accused consents to such examination, and, if there appear to be grounds for suspecting violence, he should, if possible, have the accused examined by a medical officer.

(2) Magistrates are directed to question the accused person as to the length of time during which he has been in police custody.

(3) No police officers, other than those required to secure the safe custody of the accused person, when in the opinion of the magistrate, the duty cannot be safely left to other attendants, shall be present when a confession is being recorded under section 164 of the Criminal Procedure Code. In any case the police officer who made the investigation is not to be present.

(4) When recording the confession, the magistrate should note (i) the date and hour of the commission of the alleged offence, (ii) the date and hour of the first detention in police custody, (iii) the section of the Code under which the confession is recorded, and (iv) the extent to which the orders referred to under (1) and (2) above have been complied with.

(5) Before ordering the detention of an accused person in police custody under section 167 of the Criminal Procedure Code, the magistrate must explain in writing to what use he intends the presence of the accused in the hands of the police to be put, and will hear any objection which the accused person may have to offer to the proposed order.

(6) When a confession is retracted before the committing magistrate and the Court of Session, and an allegation is made of ill-usage by the police, the Court is enjoined to enquire into all the circumstances in which the confession was taken and particularly as to the length of time during which the accused person was in custody. Further, the police officer in whose custody the accused person was, when the confession was made, must be produced and closely examined.

The instructions of the Bombay Government amplify the instructions as regards the examination of the bodies of confessing prisoners so as to include the case of all under-trial prisoners (whether confessing or not) on first production before magistrates. They also enjoin that a copy of the medical officer's report as to any marks of violence found on an under-trial prisioner when he first comes to jail should accompany the prisoner to the Court before which he next appears, and provide for immediate enquiry being made if the report discloses marks of violence in regard to which the prisoner makes allegations against the police or others responsible for his arrest or custody.

The Police Manual warns superintendents against the tendency of the police to rely too much on confessions and to neglect the procuring of corroborative evidence :—

*Burma.*—Full instructions, issued under judicial authority, are incorporated in the Lower and Upper Burma Court Manuals. The chief of these are—

(1) Confessions must ordinarily be recorded by the highest magistrate, short of the District Magistrate, who can be reached in a reasonable time.

(2) The magistrate shall not record a confession under section 164 of the Criminal Procedure Code, that is, before the commencement of the enquiry or trial, until he is satisfied, after questioning the person making it, that it is made voluntarily. To show that this has been done, the magistrate, before recording a confession, has to record a memorandum stating the date on which and the place at which the confession is recorded, the circumstances in which the accused was produced before the magistrate, the period during which, and the place or places at which, the accused has been in police custody, the questions asked—and these must not be of a perfunctory nature—to ascertain that the confession is really voluntarily made, the answers of the accused to the questions, the magistrate's reasons for believing the confession to be voluntarily made, and any remarks the magistrate may wish to make. Any written communication

made to the magistrate by the police regarding the wish of the accused to confess is to be attached to the memorandum.

(3) When the confession of an accused person is being recorded, none of the police who have been concerned in his arrest or in the investigation of the case, shall be allowed to be present or to be within sight or hearing of the accused. No police officers shall be present, except such as may be necessary to secure the safe custody of the accused.

(4) It is laid down that it is not necessary to warn an accused before recording his confession or examination, but that, when necessary, the law should be explained to him.

(5) When an accused, on being brought before a magistrate, retracts a confession previously made and accounts for making it by charges of improper inducement, pressure or other misconduct against the police or other persons in authority, the magistrate is bound to give him an opportunity of proving his allegations. Accusations of the kind are to be thoroughly sifted. The magistrate is required not only to examine such witnesses as the accused may be able to produce, but to call any witnesses whom he himself may have reason to think are able to give evidence in the matter, and to hold a searching enquiry into the allegations. He must invariably record in his order his opinion whether the allegations have been proved or not, and, if the former, he must report the matter to the District Magistrate. Similar orders apply to Sessions Judges in similar circumstances.

The chief additional instructions contained in the Burma Police Manual are as follows:—

(1) If an admission of guilt or complicity in crime is volunteered by any person, the investigating officer should, if possible, immediately make a memorandum of it in the precise words used. The memorandum is to be read over to the person making the disclosure, but such person is not to be required to sign the paper. The memorandum is to be preserved by the investigating officer with a view to refreshing his memory as to the precise words used, in the event of his being required to give oral evidence of any part of the disclosure under section 27 of the Evidence Act.

(2) The police are particularly warned against the danger of unduly relying upon confessions or admissions, and reminded of the importance of substantiating a case, in which a confession is made, by reliable evidence.

*The Central Provinces.*—The orders issued under Judicial authority (the Judicial Commissioner) are:—

(1) Where an accused person alleged to be desirous of making a confession is produced before a magistrate, and the magistrate's powers are lower than those required for trying or committing for trial (as the case may be) a person charged with the offence for which the accused has been arrested, the accused shall ordinarily be forwarded to the nearest magistrate having the higher description of powers, and escort required for the journey shall not include any of the police who have already taken part in the investigation. If for special reasons it is desirable to depart from this rule, those reasons shall be recorded by the magistrate with his own hand.

(2) Under section 164 (3) of the Criminal Procedure Code, it is essential to the proper recording of a confession that the accused should be questioned in the first instance with a view to ascertain whether the confession is made voluntarily. The questions so put, together with the answers thereto, must be recorded *before* the confession itself is taken down. If any allegation of ill-treatment is made the magistrate shall there and then examine the accused's person, if the accused consents, to see whether there are any marks of injuries as alleged, and shall place on record the result of his examination. If the accused refuses to permit such examination, the refusal and the reason therefor shall be recorded If the magistrate finds that there is reason to suspect that the allegation is well-founded he shall at once record the complaint, cause the accused to be examined by a medical officer, if possible, and, if he has not power to take up the necessary enquiry himself, forward him to the magistrate having jurisdiction.

(3) Before proceeding to record the confession itself, the magistrate must decide, upon the answers to the preliminary questions and upon the result of any examination of the accused's person, whether there is reason to believe that the confession, if recorded, will be irrelevant on any of the grounds set forth in section 24 of the Evidence Act. If he decides that the confession will be inadmissible on any of the said grounds, he will state his reasons for so thinking and will refuse to record any further statement by the accused.

(4) No attempt shall be made to draw unwilling or unguarded admissions from the accused person by close and inquisitorial questioning; but he may properly be questioned, so far as may be necessary, to enable the magistrate—

(*a*) to elicit from him whatever facts he is willing to state,

(*b*) to understand exactly what is his meaning and how far he intends his confession or admissions to go.

The magistrate should invariably question the accused person as to the length of time during which he has been in the custody of the police It is not sufficient to accept the date and hour of formal arrest as entered in the police papers. Every question put must be recorded in full with the most scrupulous accuracy, together with the answer.

(5) The magistrate is to take the signature or the mark of the accused person to the record.

(6) When the confession of an accused is being recorded, none of the police who have been concerned in his arrest or in the investigation of the case, should be allowed to be present or to be within sight or hearing of the accused.

(7) In every case in which the record of confession by an accused person, taken under section 164 of the Criminal Procedure Code, is received by the magistrate enquiring into, or trying the case, the magistrate shall enquire from the accused person whether he made the confession purporting to have been made by him before the magistrate from whom the record of the confession was received. The confession shall be shown or read to the accused person, and the fact noted by the magistrate, and the accused person's answer to the question shall be recorded in full.

The Jail Manual provides that if any wound or mark of recent injury is observed at the medical inspection on the admission of any under-trial prisoner, the prisoner shall be questioned regarding it, and, if he attributes it to violent treatment while under arrest, the matter shall be immediately reported to the District Magistrate, or in his absence, to the senior magistrate present at head-quarters.

The instructions of Government are—

(1) The greatest caution should be exercised by an investigating officer in placing any reliance on a confession or admission of guilt by an accused person.

(2) The practice of adopting a confession blindly and regarding it as obviating the need for further enquiry is absolutely forbidden. Every detail in it is to be put to the test and corroborated as far as possible by independent testimony, so that if, as frequently happens, it is retracted, sufficient evidence may still be forthcoming to ensure success.

(3) Superintendents and assistant superintendents are to make the subordinate police understand that no sort of pressure, direct or indirect, is to be put upon persons to make them confess.

(4) If a disclosure amounting to an admission of guilt or of complicity in crime be volunteered by any person, the investigating officer shall, if possible, immediately make a memorandum of it in the precise words used. He should read the memorandum over to the person making the disclosure, but he may not take the latter's signature on the paper. The memorandum will be preserved by the investigating officer with a view to refreshing his memory as to the precise words used, in the event of his being required to give oral evidence of any part of the disclosure under section 27 of the Evidence Act.

(5) In important cases, if the disclosure thus noted down amounts to a confession of guilt, and there is a magistrate in the neighbourhood, the person making it should be taken before the magistrate as soon as possible in order that the confession may be formally recorded in the manner prescribed by section 164 of the Criminal Procedure Code.

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Enclosure no. 2.

No. 1278-4, dated Ootacamund, the 12th June 1912.

From—The Hon'ble Mr. A. G. CARDEW, C.S.I., Acting Chief Secretary to the Government of Madras, Judicial Department,

To—The Secretary to the Government of India, Home Department.

I am directed to reply to the Home Department letter no. 781-790, dated the 12th July 1911, dealing with the question of the procedure to be followed in the production before magistrates of accused persons to have their confessions recorded and in the recording by magistrates of the confessions of persons so produced. The Honourable the Judges of the High Court were invited to give their views on the subject and copies of their minutes are enclosed.

2. The first question raised in the letter under reply is "whether, on a balance of advantages and disadvantages, it pays to have confessions recorded at all before the trial commences." In this connection two extreme views have been expressed: that of Mr. Justice Spencer who would repeal sections 25 and 26 of the Indian Evidence Act so that confessions

of the kind specified therein may be admissible as evidence for what they are worth, and that of Mr. Justice Ayling who would retain these sections but would repeal section 164 of the Criminal Procedure Code and forbid the recording of confessions prior to trial.

3. The Government consider that there is much force in Mr. Justice Spencer's arguments, but they fear that it would at present be premature to repeal sections 25 and 26 of the Evidence Act. It is not only that the police have not yet reached a sufficiently high standard of trustworthiness, but also that the moral and civic sense of the general population is defective. People who have suffered loss or injury not infrequently urge the police to resort to methods of a highly irregular character, while there is among many classes an undercurrent of sympathy with the criminal.

4. At the same time the Governor in Council recognizes that of late years there has been a very great improvement in police *moral*. As pointed out by Mr. Justice Spencer, public attention is focussed on a few cases of misconduct while the enormous number of false charges against the police is overlooked. The Madras Government look forward confidently to yet further improvement in police methods and consider it altogether unnecessary and inopportune to repeal section 164 of the Criminal Procedure Code and thus to withdraw from the hands of the investigating officer an instrument which, properly used, may be of great service, while its misuse is becoming increasingly infrequent and may be rendered still more difficult by the adoption of safeguards.

5. Moreover, it frequently happens, as observed by Mr. Justice Duthoit in the judgment reported in I.L.R., VI All., 550-551, that the confession made immediately after the commission of the offence is genuine; and even if it is subsequently retracted, the fact that it was made at once does possess some evidential value. There are again cases in which it is of the highest importance that we should have a trustworthy record of a confession at a very early stage of the investigation. For example, in the Tinnevelly conspiracy case, which was recently tried by a Special Bench of the Madras High Court, the prosecution was able to rely on confessions by different persons which had been promptly recorded in circumstances which showed that there could have been no tutoring by the police.

6. After a very careful consideration of the question in all its bearings, His Excellency the Governor in Council has come to the conclusion that the existing statute law may be left as it is, though additional safeguards should be provided to minimise any tendency on the part of the police to put pressure on accused persons to make a confession.

7. Mr. Justice Phillips has suggested that no police officer below the rank of Inspector should be allowed to ask for the record of a confession. It is usually only at the commencement of the investigation that a prisoner is willing to confess, and as it would seldom be the case that the Inspector would be present then, the Government are unable to support the suggestion. They consider that the character of the new class of sub-inspectors recently created in this Presidency may usually be trusted and that the supervision of superior officers and the careful attention of magistrates will be sufficient to prevent or detect any improper conduct.

8. In paragraph 4 of the letter under reply, the following further safeguards have been suggested:—

(1) To prohibit the production of prisoners before third-class magistrates for recording confessions and to give such power only to the magistrate having jurisdiction in the case, or to first and specially selected second class magistrates;

(2) To make it an absolute rule that once a prisoner has confessed he should in no circumstances be given back into police custody;

(3) To lay down that before a confession is recorded the accused person should have spent at least one night out of police custody; and

(4) To question all persons when first produced after arrest as to whether they have suffered ill-treatment at the hands of the police.

The Governor in Council agrees with the Government of India that no third-class magistrate should ordinarily record a confession under section 164 of the Criminal Procedure Code, and is prepared to limit the power to the magistrate having jurisdiction in the case or to magistrates of the first-class. To limit it to first-class magistrates alone would cause considerable inconvenience in this Presidency as they are touring officers for the most part and often absent from their head-quarters, and the police might have to follow them into remote places with the confessing prisoner. In this Presidency a third-class magistrate is competent to commit persons to the Sessions for trial, and it may therefore happen that he would be the magistrate having jurisdiction in the case; but such cases are likely to be exceptional.

9. With regard to the remaining safeguards suggested in the letter under reply, I am to say that, while the Government of Madras recognize the desirability of keeping all prisoners who express a wish to confess out of police custody for some time before recording their statements, they consider that executive instructions by reason of their greater elasticity would be more suitable than a legislative provision.

This Government are further of opinion that the instructions issued by the Madras High Court for the guidance of magistrates should be amplified so as to direct attention to the importance of ascertaining exactly what happened in regard to the confessing prisoner after the arrival of the police on the scene: *e.g.*, How long after the commission of the offence did

the police come and commence investigation? When did they first question the accused? Was he kept under detention before he was formally taken into custody? If so, under what circumstances? How often was he interrogated? Was he urged by the police to make a confession? Does he understand the consequences of the confession, and does he understand that he will not be remanded to police custody? The High Court is being addressed on the subject.

Orders have already been issued requiring an examination of the persons of prisoners when first produced before a magistrate.

10. With regard to the instructions which may be issued to the police, the Governor in Council would follow the English practice and make it clear that, when the police are endeavouring to discover the author of a crime, there is no objection to their making inquiries or putting questions to *any person* from whom they think they can obtain useful information. But when once an accused person has been arrested, while they may, and indeed should, listen to any statement which he may voluntarily make, they should be strictly forbidden to interrogate him or press him to make a statement. It should be impressed on the police that, after arrest, their duty is to take the accused person before a magistrate within the time prescribed in section 61 of the Criminal Procedure Code, and that it is only in very exceptional circumstances that he should be thereafter returned to police custody under section 167 of that Code.

11. I am, in conclusion, to express regret that it was not found possible to send an earlier reply to the reference of the Government of India.

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Enclosure no. 2 (*i*).

MINUTES OF THE HONOURABLE THE JUDGES OF THE HIGH COURT OF JUDICATURE AT MADRAS.

*The Hon'ble Mr. Justice Sankaran Nair.*

It is quite unsafe to base a conviction on confessions which are afterwards retracted.

If the confession is to be relied upon, it must appear that no police influence was brought to bear upon the person making it. For this I would suggest that, wherever possible, the accused must be taken to the nearest magistrate and by him forwarded, *not* under police escort to the nearest civilian magistrate. As ordinarily there will be only *one* person to make a confession, it ought not to be difficult for the magistrate to provide escort out of his own peons.

I am not in favour of any second-class magistrate recording any confession. There may be, no doubt, as in every class there are, exceptions. But as a rule, they cannot be trusted to act without fear of the police. A prosecuting Police Inspector's pay is Rs. 150. The Police Inspector's pay is Rs. 150 to Rs. 250: the sub-inspector's pay is Rs. 50 to Rs. 100. The sub-inspector is the station-house officer who has to proceed to the scene of offence first. In more serious cases the Inspector follows. And the higher officials—the Assistant, Deputy and Superintendents—follow in very serious cases like murder and dacoity and are expected to supervise the investigation. It will appear therefore that the investigation is really in the hands of the sub-inspector and inspector. A magistrate's pay is one hundred rupees except a few stationary sub-magistrates who, I believe, get Rs. 120. Pay determines the social grade and influence, and even a permanent sub-magistrate's presence is not a guarantee of the voluntary nature of the confession. As a fact, however, a large percentage of these sub-magistrates are permanent clerks on a pay of Rs. 50 or thereabouts made to act as sub-magistrates and draw a pay, say, of Rs. 75. They are considered decidedly inferior in status and position to the police officers who have to deal with them. They generally hesitate to act against police wishes. This is the reason of the want of popular confidence in them so far as the police are concerned. They must be therefore left out of consideration. As to first-class magistrates I take the civilian first. When an accused person is forwarded to him by a magistrate, if he considers there has been a sufficient interval of time to escape the police influence, may with the usual precautions record the confession. Otherwise he may be allowed to detain him in his own custody (no police guard) as long as he likes and then may record it.

As to the Indian first-class magistrates, so far as this Presidency is concerned, it is not desirable to authorise them to record confessions. Under the system of appointment which once prevailed, we had young and able men appointed first-class magistrates and they formed an independent judiciary who commanded and deserved popular confidence. But the men now appointed commenced their life as clerks below Rs. 49 or Rs. 50 pay. They are probably better revenue officials, but as magistrates they do not command popular confidence. There is no harm in giving the power to record confessions to the men appointed by competition. But the distinction may be invidious and it is safer not to give such power to any non-civilian magistrate.

The other suggestion I have to make is that there should be no remand to *police* custody. The purpose is served by keeping him under the custody of warders or peons who have nothing to do with the police or investigation of crime.

*The Hon'ble Mr. Justice Abdur Rahim.*

In my opinion the most satisfactory solution of the problem would be to prohibit the use of any confession alleged to have been made by an accused person after arrest by the police and the recording of any such confession by a magistrate before trial. This will not of course prevent the police from making any use that they may find useful of any statement or information supplied by a person under suspicion or in arrest in making further investigation. It is so extremely rarely that any reliance is placed on a retracted confession that the presence of confessions made before trial on the record might well be said to have the effect of embarrassing the magistrates and judges rather than guiding them to the right conclusion. So long as such confessions are admissible in evidence the police officers will always, as experience has shown, be tempted to take the chance for a conviction on confessions alone, however stringent the instructions to them may be as to the proper use that should be made of confessions. And as it is well pointed out in the police instructions (3) of Eastern Bengal and Assam, confessions are often made to mislead the enquiring officers and, I may add, to get off from police custody at any risk. But police officers of the subordinate ranks are most often either successfully hoodwinked or are inclined to save themselves further trouble of investigation. The warning by the magistrate, however careful, is seldom of any use because the motive underlying most pre-trial confessions is to mislead the investigating officer and to be released from police custody as soon as possible and not to make a clean breast of everything actuated by remorse. When the latter motive undoubtedly exists my experience shows that there is no difficulty in securing sufficient evidence to support a conviction without the confession, and such confessions are not usually retracted.

If pre-trial confessions are to remain admissible in evidence, I agree with Sankaran Nair, J., that the sub or stationary magistrates should not be authorized to record them and that they should be recorded by a civilian magistrate of some standing. I approve of the suggestion in paragraph 4 of the Government of India letter that before the recording of the confession the accused should be kept at least for one night out of police custody, and I should add that such arrangements be made for the accused's detention in the meantime as to effectively preclude all police influence.

As regards remands to police custody, it is my experience that the magistrates, generally speaking, are too prone to grant the application of the police officer and are seldom alive to the requirements of law on the subject. I am afraid that many magistrates of the subordinate rank have not the courage, when such an application is made, to properly examine the grounds for the application and to refuse the application when there are no sufficient grounds for remand. On this point the police instructions of the Punjab Government (3) are worthy of adoption, but I should add that the reasons should be fully and clearly stated in the application to the magistrate which ought to be made in writing. Instructions should also be issued to magistrates on the same basis. I should also suggest the adoption of the Bombay rule (5) that the accused or his pleader, if he is represented, should be heard with respect to the application for remand to custody. I should not authorise any but first-class magistrates to make orders for remand to police custody in any case.

*The Hon'ble Mr. Justice Sundara Aiyar.*

I agree in the view that only first-class magistrates should record confessions, but I would not confine the power to civilian magistrates. I would provide that a magistrate should take steps to keep the accused free of police influence for at least 24 hours, for a longer time generally. I would not provide that a confession should not be recorded before the regular trial or inquiry. Witnesses are often unwilling to depose in criminal investigations, but the fact that the accused has confessed of his own accord may induce them to depose.

The magistrate should question the accused about his treatment by the police and record any ill-treatment he may speak to.

I agree that when an accused is sent to a magistrate for the purpose of his confession being recorded he should not be sent under police escort.

*The Hon'ble Mr. Justice Ayling.*

In my opinion it does *not* pay (to quote paragraph 3 of the Government of India's letter) to get confessions recorded between arrest and commencement of trial; and the soundest plan would be to discontinue the practice altogether. So far from hampering, I believe such a step would have the most beneficial effect on police investigation and the administration of justice. At present, once such a statement is recorded, the average police officer considers the case is safe, and relaxes his efforts, if he does not discontinue them altogether: in the majority of cases the confession is subsequently retracted, the court refuses to act on it, and unless good evidence has been secured before the confession, the case probably fails. In the comparatively few cases in which the accused adheres to his confession he would probably have confessed in the course of the trial without any preliminary recording thereof. If on the other hand the police knew that the confession would not be proved against the accused, they would be driven to use all information furnished by him in the legitimate way, *i.e.*, as a basis for further investigation, and I firmly believe the percentage of convictions would show a marked increase.

I am no believer in the efficacy of any of the measures designed to protect accused persons from police influence. It would be most unsafe to send prisoners charged with grave

crimes to a first-class magistrate with only peons for escort : and such a measure would not prevent the police having as much opportunity as they liked while on the journey to influence the prisoners. Even the distinction between the sub-jail and the police lock-up is in my opinion too much relied on. It is no doubt not so easy for the police to get hold of a man in the sub-jail : but it is not really difficult, especially if the sub-jail officer (usually the sub-magistrate) is amenable. So also with the status of the magistrate recording the confession. No doubt a first-class magistrate can be better trusted than a magistrate of lower class to put his foot down if he sees reason to suspect improper influences. But it all depends on the prisoner himself complaining and throwing himself on the magistrate's protection. I do not remember ever hearing of a case in which this was done. The fact is the police do not put a man whom they have induced to confess, unless they are pretty sure he will not give them away : and the preliminary questioning, etc., by a busy magistrate with plenty of other work to do is apt to be of a somewhat perfunctory character.

If it be deemed unsafe to amend section 26 of the Evidence Act, until some experience is obtained, I would suggest that departmental orders be issued forbidding the police to put up prisoners before a magistrate for recording confessions without the orders of the District Magistrate : whenever the latter sanctions such a step, he should report the fact to Government stating briefly his reasons.

*The Hon'ble Mr. Justice Bakewell.*

I agree with Ayling, J.

*The Hon'ble Mr. Justice Spencer.*

I endorse most of what Ayling, J., has written, and so far as confessions mean statements of accused persons upon which a conviction may be based without any corroborative evidence, I would abolish the taking of them altogether between the arrest and the trial. I may be unorthodox in my opinion, but I would go a good deal farther and amend sections 25, 26 and 27 of the Evidence Act. The status of the police has been raised in recent years by introducing the sub-inspector grade, by endeavouring to recruit the more responsible native officers from a better class of families, and by remodelling the department. The best way to further improve the morality of the force is to encourage them to take a straight path in the detection of offences by showing a little more confidence in their rectitude than is now the fashion. Attention is apt to be focussed on the real cases that come to light from time to time of that survival of what used to be a common practice of a semi-barbarous country, namely, torture to procure confessions ; the public is invited to become hysterical on the subject ; and we easily lose sight of the enormous number of false complaints of extorted confessions, of foisted property, and of concocted evidence recklessly preferred against the police by criminals who see their only hope of salvation to lie in an attempt to prejudice the mind of the court against the persons responsible for their prosecution. The disastrous effect upon the morality of the population produced by the vast proportion of grave crimes that go unpunished owing to the limitations placed upon police investigation and the strict exclusion of statements made by accused persons is also a matter which deserves serious consideration. In the flash of excitement after the commission of a crime a man will often freely publish what he has done, but during the uneventful days that he spends in the sub-jail before his trial commences he has time for sober reflection on the probable consequences of what he has done and said, the natural desire of self-preservation reasserts itself and he denies all that he has said, or he attributes it to police influence, knowing that the police have a bad name and that his explanations will be readily accepted. The statement of a criminal at the moment of his arrest, if the account of it can be trusted, is often of the greatest importance. I would instance the case of the lascar who was recently convicted and hanged in England for the murder of a stewardess on a P. and O. steamer and made an incriminating statement or question regarding himself to the police officer who took charge of him on the arrival of the steamer in the Docks. The evidence of the police officer was admissible at a trial in an English Court and a conviction was the result. To take another concrete instance. In the Madura district a man murdered his wife in the dead of night, when she was lying asleep in a house, the doors of which were open. Then he rushed out and told the villagers whom he met what he had done. When he was taken before a magistrate he denied all concern with the murder and suggested that it was the work of thieves and persisted in this defence throughout the trial, although there was no evidence to support his version and no indication of thieves having come. On the side of the prosecution there was no corroborative evidence. A blood-stained piece of wood was found beside the corpse, but there was nothing to show who in particular had used it on the deceased's head. Although everybody knew the man to be guilty, the case ended in acquittal, because according to reported decisions a retracted confession, even if reduced to writing by a magistrate acting in conformity with section 164 and the Criminal Rules of Practice, cannot be acted upon unless corroborated by independent evidence, and verbal accounts of what an accused said must stand on an even lower level. The statements of the accused were inadmissible in evidence as conduct under section 8 of the Evidence Act, because Explanation I to that section defines "conduct" as not including statements unless those statements accompany and explain acts other than statements. I believe I am right in thinking that such statements could be proved against a man

in English law. If so, my point in citing these two instances of actual cases is this. It is time that an attempt should be made to raise our guardians of the peace to the level of those in England and other European countries and to encourage in them a sense of self-respect by showing we trust them in all cases where they prove themselves worthy of trust. Evidence may freely be admitted to contradict them or to prove that individual policemen are unworthy of credit, but it is not reasonable that a policeman just because he is a policeman should be trusted less than any one else on earth. The remedy that I propose is to abolish the rule of evidence that statements made to the police are not admissible in evidence; to lay it down that as against those that make them, confessions are not necessarily conclusive evidence of the matters stated in them, unless they are made by an accused person at his trial in court when pleading to a charge; to place the responsibility on courts of discriminating between the value of confessions made under varying circumstances, and in every case allowing evidence to be adduced as to the circumstances under which they were made; and impose on sub-jail officers, who are generally magistrates, the duty of inquiring of all under-trial prisoners at their admission into jail whether they have any complaint to make of their treatment since their arrest, of recording their statements in full if they allege ill-treatment, and of having their bodies promptly examined by the nearest medical officer in such a case. Superintendents and Assistant Superintendents of Police should be instructed to constantly impress on their subordinates the importance of not relaxing their efforts to unravel cases to the bottom simply because one or more of the persons suspected to have committed the crime has made some sort of admission. As laid down by the Government of the Central Provinces in the words of Appendix II to the Government of India's letter the greatest caution should be exercised by an investigating officer in placing any reliance on a confession or admission of guilt by an accused person, and the practice of adopting a confession blindly and regarding it as obviating the need for further inquiry should be absolutely forbidden. Where however a statement has been made by an accused person in the hearing of any one and it has a direct bearing on the issues before the court evidence of it should be admissible for what it is worth, and courts should be allowed full latitude in weighing such statements and assessing them at their proper worth. Confessions are made for various reasons. Some are intended to throw the authorities off the scent. Some are genuine. The danger lies in treating them all alike.

*The Hon'ble Mr. Justice Phillips.*

I do not agree that confessions before trial should be altogether prohibited. They may be induced by police influence or they may not, and I think that the recording magistrates should make a full inquiry in order to satisfy themselves that the confessions are voluntary before they proceed to record them. In my experience I have found that genuine confessions are retracted just as often as induced confessions, and it is extremely rare to find a case when a confessing prisoner, who has been confined in a large District or Central Jail for some time before trial, does not retract his confession even when made before a committing magistrate. The fact that a confession has been recorded may induce the police to slack off in investigation, but now that the general status of the department has been raised, I do not think that such slackness is so frequent as it used to be. It is well known in the Police Department that a retracted confession by itself will not secure conviction, and consequently an intelligent police officer will continue his efforts to secure corroborative evidence. As remarked by Sundara Aiyar, J., the existence of a confession is often an inducement to witnesses to come forward and give evidence, and this is a point which should not be lost sight of. I think it will be generally admitted that there has been considerable improvement in the work of the police in recent years, and I think that to prohibit confessions altogether would discourage police officers as casting an additional slur on their work. They have been quite sufficiently abused in the past and it might be advisable now to give them some encouragement in the hope that the improvement which has begun may be continued.

It is of course necessary that rules should be prescribed with a view to prevent police officers from inducing confessions by torture or otherwise, but it must not be overlooked that if the police wish to evade the restrictions placed upon them they can generally find some means of doing so. It is therefore a question for consideration whether it is advisable to increase those restrictions or whether it would not be better to trust more to the police themselves, and I think that the necessary restrictions might be laid down in departmental instructions. If it is laid down that no police officer below the rank of Inspector should be allowed to ask for a confession to be recorded, I think that some weight should be attached to his request. I do not think that it is advisable to restrict the right of recording confessions to first-class covenanted magistrates. They are already so overworked that it is doubtful whether a perfunctory inquiry by them would be of more value than an inquiry by a second class magistrate or a deputy magistrate. A civilian magistrate would certainly not be amenable to police influence, but I am inclined to think that the fear of wrongful police influence is somewhat exaggerated. Why should not a man of the rank of Inspector be trusted to do his work properly – subject of course to the control of his superior?

The question of custody of the prisoner before and after confession is also one of the points which in my opinion is not very material. If the police are bent on exerting a wrong influence, they can do so through peons or sub-jail warders. All that is required is that the recording magistrate should satisfy himself that the confession is voluntary, and for this purpose he should

personally see that the prisoner is kept away from the police for some reasonable period and question him closely as to the reason for his confession.

I think, therefore, that the rules in force in Madras ought to be sufficient to ensure the proper recording of confessions. The question is really one of the proper working of the Police Department, and I do not think that that department will be improved so long as they are given to understand that under no circumstances will police officers be trusted to do their work as it should be done.

*The Hon'ble the Chief Justice.*

The difficulty of this question is illustrated by the divergence of view of the civilian judges who have had practical experience, at first hand, of the working of the present system.

Although I think there is considerable force in Ayling J.'s observations, I am not prepared to adopt his suggestion that in no case should a confession made after arrest and before trial be admissible in evidence. Even if it were adopted it would have to be subject to the proviso that the fact that a prisoner had confessed might be taken into consideration in connection with the question of sentence if he is convicted. A prompt confession, made in circumstances which leave no room for doubt as to its truth and voluntary character, is a matter to be considered in the prisoner's favour in determining the sentence. This is a point which seems to have been lost sight of.

On the other hand I do not think the time has come for making confessions to the police admissible in evidence, and leaving it to the court to attach such weight to the confession as it thinks fit, which I understand to be Spencer J.'s suggestion.

As regards this Presidency I hope I am not taking an unduly optimistic view in thinking that the *morale* of the police has improved and that it will continue to improve. Even if this is not so, I think the subordinate judiciary and the subordinate police must realise by this time that a confession, as the foundation of a case for the prosecution, is of very little use.

I would leave the statute law as it is.

As regards this Presidency I think the High Court orders, supplemented by the existing police instructions, if honestly observed and enforced, ought to be sufficient to prevent abuses. But in this matter something in the nature of a uniform Code, applicable generally throughout India, seems desirable, and to secure this end I should raise no objection to the adoption of the Bombay rules.

*The Hon'ble Mr. Justice Benson.*

The papers were circulated when I was on leave, so I do not now think it necessary to record any lengthy minute on the questions raised. I may, however, say that I entirely agree with the minute of Phillips, J., and would accept the conclusions of the Chief Justice.

*The Hon'ble Mr. Justice Wallis.*

I am not prepared to recommend that confessions should be made inadmissible in evidence. The result of so doing would probably be the increased fabrication of evidence to prove what was well-known but could not otherwise be proved. On the whole I regard the admissibility of confessions as the lesser evil. I agree generally with the conclusions of the Chief Justice.

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Enclosure no. 3.

No. 3780, dated Bombay Castle, the 17th May 1912.

From—C. A. KINCAID, Esq., C.V.O., Secretary to the Government of Bombay, Judicial Department,
To—The Secretary to the Government of India, Home Department.

I am directed to refer to Home Department letter no. 781-790, dated the 12th July 1911, on the subject of the recording by magistrates of the confessions of accused persons before trial and to reply as follows.

2. The Governor in Council is unable to accept the premises on which the proposals embodied in the above letter are based. These are :—

(*a*) that in an unsophisticated community an accused who makes a confession is likely to adhere to it throughout the course of the proceedings and that accordingly nothing is gained by having his confession recorded before the actual commencement of his trial ;

(*b*) that in the case of retracted but genuine confessions the courts will demand such corroborative evidence as would be sufficient in itself to secure convictions.

With regard to the first premise I am to point out that in the interval between arrest and trial a prisoner, however, unsophisticated, is necessarily subject to many influences tending to make him retract. In jail it is impossible to keep him separate from other prisoners, often old offenders, who explain to him the folly of telling the truth. He also receives similar advice from the friends and especially the lawyers who visit him.

With regard to (*b*), I am to point out that it has not been the rule of the courts of this Presidency to demand in the case of retracted confessions such ample corroborative evidence as

would be sufficient to prove guilt without any confession at all. Confessions of which the genuineness is apparent from their fullness and consistency and by the circumstances in which they have been recorded have always been regarded by the Bombay High Court as evidence so valuable as to justify, even when uncorroborated, a conviction.

3. The Governor in Council has obtained the opinions of the Judges of the High Court and of a number of the most experienced District Magistrates and District Judges of the Presidency. In view of the almost unanimous opinions expressed by these officers the Governor in Council is convinced that to forbid the recording of confessions before trial would be to put a serious hindrance in the way of administering justice. The accused will continue to be subjected to the influences already mentioned and will simply not confess at all. And, since in India the police cannot count on the public for assistance, the result will be a serious diminution in the detection and punishment of crime. Indeed, if the practice of recording confessions before magistrates were done away with, it would probably in the end prove necessary to alter the law in such a way as to make police officers competent to testify to statements made to them by accused persons, a step which would bring the criminal procedure of India into line with that of other countries.

4. I am to quote the remarks made by Sir Narayan Chandavarkar on the general question of the value of confessions in India :—

> "It has been remarked in some quarters that the readiness with which illiterate and ignorant persons accused of crime confess in a large number of cases at the beginning of police investigation and retract the confession later on when trial has commenced shows that those confessions are, generally, the result of police torture or influence. This remark ignores one fact which is patent to any one who knows the character of our people, especially the illiterate and ignorant portion of them. In ordinary life we find that when a servant is suspected of anything wrong he will first deny, but after a little questioning he will give evasive answers and at last admit. The fact is, our people cannot successfully conceal their acts or motives. Hence it is that when a man, who has committed a crime, is arrested, he will, after a little questioning, make a clean breast of it. The unsophisticated man in this country may be given to lying, but he does not know, because he has not learnt, the art of persisting in his lie and keeping his own counsel so as to mislead others for any length of time."

5. With regard to the restrictions proposed by the Government of India, the Governor in Council is of opinion that the rules already in force in this Presidency constitute ample safeguards. The Governor in Council is of opinion that it is inadvisable to lay down any rules as to the length of time the accused should be out of police custody before he is allowed to make a confession. Such a matter is essentially one for the exercise of the magistrate's discretion.

As to the proposal that an accused who has confessed should in no case be handed back to police custody, the Governor in Council would point out that it is often immediately after a confession that it is most essential for the police to have the accused handed over to them. He may be required to point out and identify his associates and to hand over property.

6. The Governor in Council is, however, prepared to accept the suggestion that, as far as possible, confessions should be recorded by the magistrate of the highest class available and that an accused should be taken before a third class magistrate only when it is impossible to produce him before a magistrate of higher rank within 12 hours. If this proposal meets with the approval of the Government of India the Governor in Council will move the High Court to embody it in their circular orders.

7. The Honourable Mr. M. B. Chaubal has made two suggestions, and the minute recorded by him is attached to this letter.

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Enclosure No. 3 (*i*).

*Minute recorded by the Honourable Mr. M. B. Chaubal, dated the 25th April 1912.*

Though I believe that there is still considerable improper influence exercised by the police both in obtaining confessions and in making prisoners stick to them in the committing magistrate's courts, I agree that it will not do to give up retracted confessions and make them altogether inadmissible in evidence, and that such a step in the present state of efficiency in the police force must prejudicially affect the volume of crime in the country.

With reference to the concluding portion of paragraph 4 of the letter under reply, I desire to suggest for the consideration of the Government of India two proposals which I believe are calculated to materially check objectionable police practices and give to accused persons a fairness of trial which I consider desirable in the interests of judicial administration—

(*a*) I desire that section 162 of the Criminal Procedure Code should be so amended as to secure to the accused or his pleader free access to police papers and to the statements of witnesses during the police investigation, certainly in the Courts of Session and perhaps also in the magistrate's courts. I am of opinion that

there can be no useful purpose served by keeping the course of police investigation a sealed book to the accused or his counsel after such investigation has terminated, while on the other hand such access is likely to give to the accused opportunities for exposing some of the unfair practices resorted to by the police, and to enable the trying judge to correctly appreciate the worth of the witnesses for the prosecution. A witness, *e.g.*, has made three or four varying statements on material points during the police investigation. It is only his last and finished version which appears before the court, but the accused is often-times entirely ignorant of the changes and improvements in the witness' story, and is not in a position to show the judge the degree of credibility which ought to attach to the statements of such a witness. Under the law as it stands at present, the accused is entirely at the mercy of the trying judge who may or may not have been diligent enough to wade through the police papers, and at the mercy of the public prosecutor, who in the mofussil is not often fair enough to point out to the Judge the previous variations in the story of the witness. There is no reason why as regards these papers the prosecuting counsel should be in a position of advantage as compared with the accused's counsel. The desirability of this change would naturally not strike trying magistrates, but there is reason to believe that many Session Judges and the entire bar would be glad if the said section were amended as proposed. The desirability of such an amendment has been forced upon me during a fairly large practice at the bar extending over 27 years.

(*b*) The other suggestion I desire to make relates to what are known as magisterial lock-ups. There is one of these at almost every taluka station, and under-trial prisoners are confined in these. Though known as magisterial these lock-ups are controlled and guarded by the same subordinate police force to which the investigating police belong. Practitioners in criminal courts often complain that these lock-ups are easily accessible to the investigating police, notwithstanding rules and departmental circulars to the contrary, and in some cases these complaints are justified. There is of course no positive ill-treatment while prisoners are there, but if confessions have been obtained wrongly, this easy access is frequently utilized for such intimidation or inducement as will make the accused stick to his confessional statement. The remedy I suggest in order to mitigate and check this evil is that the police manning these places of confinement should be a separate branch of the police, and their leave, promotions, etc., should all be entirely in the hands of the District Magistrates.

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Enclosure 3 (*ii*).

***Minutes recorded by the Honourable the Judges of the High Court, Bombay,*** re *recording of confessions.*

With regard to the first question on which our opinion is asked, *viz.*, whether, "on a balance of advantages and disadvantages it pays to have confessions recorded at all, before the trial commences except in very special circumstances and by order of the District Magistrate," I have the honour to state as follows.

I must premise that I speak from the point of view of a barrister for 21 years and a Judge of the High Court for nearly eleven years in the Town and Island of Bombay only.

I am strongly of opinion that if the recording of voluntary confessions were done away with the course of Justice throughout this Presidency would be most seriously interfered with. I have sat frequently on the Appellate Side; so am speaking with authority, as to that and the Original Side of the High Court.

For many years I have thought that the current views as to pressure and torture by the police are much exaggerated. With some Judges the idea is almost a "Fetish." It is common knowledge that the ordinary native in India will, when he is in a strait, *primâ facie* say what he thinks will please the Sahib. This peculiarity often leads them to say things which the inexperienced addressee styles untruths but which really are not so. This I am convinced is the motive power at the bottom of a large percentage of confessions. The next point is that where more than one person are engaged in a crime and are arrested each one fears that the other will tell on him and he wants to be first in the field with his statement.

This is a striking feature in dacoities and similar crimes.

Another thing that prompts the majority of confessions is that the accused thinks that by confessing he has a better chance of the Sirkar taking a more lenient view of his case. I am absolutely convinced—after having given many hours' reflection to the matter—that to do away with confessions would prevent the greater number of serious offences being detected at all. In the present state of unrest in India such a step would in my opinion be nothing short of a fatal error. Moreover such a step would be a fatal blow to the prestige and position of the police in India who—looking at the late charges against them in Calcutta—have lately been seriously depreciated. It is their duty to detect crime and after all if an accused person is foolish enough to give himself away by confessing he has only himself to blame. At the same time if I ever had a suspicion that a confession had been extorted by improper means

I would insist on the fullest inquiry, and, if the offender were guilty, would punish him with the utmost severity.

With regard to the second point submitted in paragraph 4—

In my opinion a third class Magistrate is as qualified as one of a higher grade to take a confession. To deprive them of this power would in my opinion be to cast a certain slur upon them.

The sections of the Criminal Procedure Code and the rules are plain enough to the poorest understanding and I would deprecate such an alteration as is suggested.

If it can be worked, I see no objection to ordering that, after his confession, the accused be not placed again in police custody.

In conclusion I do not see how the Bombay rules can be improved upon and would suggest that they be adopted *in toto* in all the other Presidencies and Burma.

LOUIS P. RUSSELL.

The first question proposed in the letter of the Government of India "in connection with confessions is whether, on a balance of advantages and disadvantages, it pays to have them recorded at all, before the trial commences, except in very special circumstances, and by order of the District Magistrate." In my opinion, it will pay. Experience shows that in a large majority of cases, in which confessions have been recorded before trial, they have been retracted at the trial and that the retraction is due, where the accused is defended by counsel or pleader, to legal advice, and where he is not so defended, to his consciousness that, since he is going to be tried and is called upon to defend, the safest course for him is to let the prosecution prove its case and try his luck. What will happen, therefore, if the proposal in question passes into law, is that in almost every case the accused will not confess after trial has begun. And this result will have an unfortunate effect on the detection and punishment of crime in a country where the first and greatest difficulty in this respect has long been felt to lie in the passivity of the people, who will not willingly come forward to help the police, to give evidence and bring a criminal to justice.

Further, the proposal is open to this objection that "special circumstances," under which alone it is suggested a confession should be recorded, is a vague term. No doubt the District Magistrate is, according to the proposal, to determine whether "special circumstances" exist. If what in some quarters is alleged is true, *viz.*, that the police are corrupt and extort confessions, it will not be difficult for police officers to make out special circumstances and get the District Magistrate's order in almost every case. They have only to satisfy him that it is impossible to get independent evidence, because witnesses are reluctant to come forward. And such a case may easily be made out in a large number of crimes committed, having regard to the passivity of the people in this country. What District Magistrate will deem it expedient to refuse to give an order, if the police come and say: "Sir, it is so difficult to get to the bottom of this offence, unless you permit the accused's confession to be recorded. Or else the crime will go undetected"? Will the District Magistrate in such a case take the responsibility on himself and let the police shirk theirs on the ground that the District Magistrate has made the crime impossible to detect?

Such a proposal would be indeed welcome and I should endorse, if all that has been alleged against the police at this day were either wholly or mostly true. I have no intimate knowledge of the state of things in this respect in the parts of India other than the Presidency of Bombay. Confining myself to this Presidency, I venture to think that the police to-day are an improvement on what they were, say, 15 or 20, or 30 years ago. In the first place, our policemen have been, generally speaking, drawn from among the people of whom they form a part socially. That gives them the advantage of local knowledge and sympathy. Secondly, corruption is very much less now than it used to be in the police, and the native police force in its higher grades is officered by men better in point of education and enlightenment than their predecessors of, say, a quarter of a century ago. Thirdly, the severity with which policemen who have been found to have extorted confessions are punished by the Courts has, I believe, proved a great deterrent. In this Presidency at any rate I have observed during the period of my judicial experience, that there has been no remissness on the part of those at the head of the police to bring to justice police officers found torturing accused persons for the purpose of extorting confessions. And in this connection I should call attention to the significant fact that during these three or four years, though in and outside the House of Commons grave charges have been made against the police and they have been assailed, responsible police officers at the head of the Department have not been slow to detect and bring to justice cases of police extortion. This shows that there is a wholesome feeling growing in the police force, that its higher officers are alive to their responsibility, and are not given to shielding their department, where public interests and welfare are concerned.

It has been remarked in some quarters that the readiness with which illiterate and ignorant persons accused of crime confess in a large number of cases at the beginning of police investigation and retract the confession later on when trial has commenced shows that those confessions are, generally, the result of police torture or influence. This remark ignores one fact which is patent to any one who knows the character of our people, especially the illiterate

and ignorant portion of them. In ordinary life we find that when a servant is suspected of anything wrong, he will first deny but after a little questioning, he will give evasive answers and at last admit. The fact is our people cannot successfully conceal their acts or motives. Hence it is that when a man who has committed a crime is arrested, he will, after a little questioning, make a clean breast of it. The unsophisticated man in this country may be given to lying, but he does not know, because he has not learnt, the art of persisting in his lie and keeping his own counsel so as to mislead others for any length of time.

If these facts are borne in mind, I think Government will perceive that it will not conduce to the better administration of justice to do away with the recording of confessions except after trial has commenced. Such a restriction will hamper justice and only succeed in promoting crime.

Nor can I approve of the proposal to forbid absolutely the production of prisoners before magistrates of the third class and to give power only to the magistrate having jurisdiction in the case or at least to a first class, or specially selected, second class magistrate. What is the complaint against magistrates of the third class? They are no longer the inefficient men that their predecessors years ago were. They are drawn from the educated classes; they know the people. And if a magistrate, whatever his class, knows his duty, he can by careful inquiry of the prisoner brought to him, after taking all prudent and necessary precautions, find out whether in confessing, he is speaking voluntarily and telling the truth or is telling a story manipulated by the police. All depends on the kind of men chosen as magistrate, not on the class or grade they occupy. I venture to think our magistrates of the third class are upon the whole intelligent men who know what it is to record a confession and what responsibility it entails.

As to the proposals to make it an absolute rule that once a prisoner has confessed, he should in no circumstance be given back into police custody, and that before a confession is recorded, an accused person should have spent at least one night out of police custody, I have to say this. All such rules are good and will serve as useful safeguards, so far as they go. But it should be remembered that our Courts in dealing with confessions look to *all* the surrounding circumstances and act upon them only when they are satisfied that there has been nothing *suspicious* about the conditions in and under which a confession was recorded. If a few rules by way of restrictions are made, some magistrates and judges are apt to think that that is all they have to look to before accepting or rejecting a confession. The matter is one which after all has to be left to the sound discretion of the Court. Our Evidence Act has wisely provided that a Court should not act upon or admit as evidence a confession which *appears* to it to have been extorted. The use of the word *appear*, as contrasted with the word *proved* in the Evidence Act, shows how large a discretion is given to the Court. And whatever rules are made, however fine they may look on paper, all must depend on the one hand on the soundness of judgment of those who administer justice and on the personnel of the police force on the other. It is improvement in these directions that alone can effectually remove such abuses as exist. Those abuses have lessened considerably owing to the improvement made in those directions.

N. G. CHANDAVARKAR.

*September 18th, 1911.*

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The only question in this letter from the Government of India on which I hold a very definite opinion is the question "whether, on a balance of advantages and disadvantages, it pays to have confessions recorded at all." I am decidedly of opinion that it does pay, in the sense that it materially aids what I conceive to be the principal object of criminal law and procedure, namely, the detection and punishment of offenders. I would not object to any reasonable method of still further safe-guarding confessions, but I am of opinion that to rule them all out as inadmissible in evidence is quite unnecessary and would be little short of disastrous.

2. If that heroic step was ever to have been taken, it should have been taken many years ago There is no necessity for it now in the Bombay Presidency, where, as I believe, police oppression in extorting confessions is already of rare occurrence, and is every year becoming rarer.

3. It is worth observing that in this country, so far as my observation goes, there is virtually no public opinion in favour of the law as against the individual criminal: that he is "a poor man with a family" or "is not likely to do it again" is popularly a grave and serious argument for the offender's escape. And I cannot doubt that to a large number of the persons who conduct the campaign against the police and confessions it is a matter of serene indifference whether offenders against the criminal law go unpunished or not. That, however, is not a view which is possible to a civilised Government responsible for law and order; such a Government cannot lightly throw away a useful weapon in a country where their armoury against crime is necessarily meagre and imperfect.

4. That such is in fact the position of an Indian Government is manifest; the causes operating to produce this effect are, or should be, so obvious to any one discussing the problem that I will allude only to one of them. Our criminal law, which (for historical reasons quite

apart from India is extraordinarily tender to an accused person, depends for its success on the realisation of the underlying assumption that the citizen is willing to help the State, willing to give information of crime brought to his knowledge, willing to give evidence in Court against the accused. This assumption is grotesquely untrue in India, where (I speak as my experience suggests) the only willing witness is the false witness or the personally interested witnes. That is one great and constant difficulty in the way of the police in this country, where the sense of any communal interest has not yet developed.

5. There are many other difficulties equally familiar. I have no time to refer to them, nor should it be necessary to do so. It is obvious, I think, that if, in the hands of an experienced magistracy and judiciary, confessions are of real assistance in securing the punishment of crime, they ought not to be abandoned. On this point one can speak only from his own experience: my experience is that in numerous cases the existence of a confession which, though afterwards retracted, was, to my mind, clearly voluntary and true, has turned the scale, enabling me, with clear conscience and convinced mind, to convict the offender of his guilt.

6. I entirely deny that considerations adduced from English life and English characteristics can properly be appealed to as guides in this matter. In England, it is constantly said, the criminal generally does not confess. Quite so. It is not the English way (if one excludes special crimes of passion). But I believe that the normal Indian is far more prone to confess. I believe that, conscious of his own guilt, and suddenly confronted by authority, specially if that authority be armed with the smallest piece of apparent proof, the Indian is apt to collapse and confess, where the Englishman with centuries of different training behind him would harden his heart and make no sign.

7. For these and many similar reasons, including the skill and trustworthiness of our superior magistrates and our judges, I should record my vote decidedly against the proposal to make all confessions inadmissible.

8. But I quite agree that no effort should be spared (as, I believe, none is spared now) to drive home to the Indian police constantly and continuously that their first business is to work for the collection of evidence, not for the obtaining of confessions. I would agree even with the Meerut rule that a confessing prisoner should not be taken before a magistrate to have his confession recorded until he has been examined by the Superintendent of Police or his Assistant; indeed my own opinion has long been that, in the case of any confession, of any serious offence, the intervention of a gazetted officer of police might with advantage be more frequent than it now is.

9. I also see no objection to the proposal that the power to record confessions should be reserved to first class magistrates or the magistrate having jurisdiction in the case.

S. L. BATCHELOR.

*14th September 1911.*

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*The Government of India have ascertained that the Hon'ble Chief Justice Sir Basil Scott entirely agrees with the opinion recorded by the Hon'ble Justice Batchelor.*

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I am and for the last twenty years have been strongly of opinion (*a*) that retracted confessions should be excluded altogether, (*b*) that we should delete section 24 from the Evidence Act. As the law stands Sessions Judges in the mofussil are required to do violence to their conscience or intellect every time they admit a retracted confession.

2. For every Sessions Judge of any experience, who knows the native, would upon rigorous self-examination, I think, admit that the average mofussil criminal would never confess if left entirely to himself. In fact he confesses literally in shoals. The Sessions Judge of experience who knows the mofussil police as well as he knows the native, in his heart knows very well WHY.

3. It is in my opinion safe to say that, excepting violent crimes, what I call passional crimes when the murderer is half mad, or actually proud of what he has done, all other retracted confessions have been directly or indirectly induced by improper means. It is impossible within the limits of a readable note to exhaust the reasoning by which I hope I could convince any reasonable and unprejudiced man of the certain truth of this conclusion. Where actual torture is not used, the widespread belief that it ordinarily is used upon obstinate suspects, and the knowledge that it will be used, may induce a number of criminals who would not otherwise confess to do so in anticipation of the methods they dread being employed upon them. This is as far as any reasonable man, who is acquainted with the conditions prevailing in the remoter parts of the mofussil, would go in the way of concession to those who believe that all the confessions made by prisoners while in police custody and uniformly retracted at the Sessions trial, are voluntary. And I may add that the opinions of Judges whose experience has been restricted to the criminals and police of the Presidency towns, is relatively valueless on this point. They do not know and cannot know what goes on in the mofussil. I feel that I must enter this protest because I anticipate that judged by numbers only, I shall be in a minority, if not altogether alone, amongst my learned brethren of the High Courts. I have devoted much

thought to this subject for many years, have written much upon it, and have had ampler opportunities than most of my colleagues for gaining experience at first hand.

4. Those who contend that if we abolish retracted confessions we might as well abolish the Penal Code really mean that it is necessary to admit confessions that have been improperly induced. I am not concerned now with that point, though as I began by saying this is the only logical alternative to excluding retracted confessions altogether. But let us be frank about it. Further I dispute the broad proposition. I deny that it is true. I believe that after a year or two, we should be able to convict as many accused persons without the need of retracted and deeply tainted confessions, as we are now able to do with that questionable aid. I go further, I believe we should convict more. First because, a retracted confession always has a most damaging effect upon a prosecution where a case is tried by jury. Next because by excluding this time-honoured and much-valued weapon, we should put the police on more intelligent and vigorously prosecuted enquiry. They might be expected by degrees to become more efficient in that department of their duty in which, in the mofussil, they are now most backward, Detection.

5. The average low caste native of this country is not by common consent addicted to the truth. Why is it that the average criminal who is drawn from this class, should suddenly show himself a marked exception and volunteer the truth .....to the police..... ..... .....in a matter where he is most vitally interested in concealing it. Why should the most untruthful people in the world become in one set of conditions and one only, the most confessing people in the world? And why again should this phase coincide precisely with the period during which they are helplessly at the mercy of the mofussil police? Surely the answer is only too plain. With respect to those who allow themselves to hold and express the opinion that the native of India is "prone to confess," I must say emphatically that in my judgment such a generalization cannot be sustained. It can only be supported by referring to the disproportionately large number of confessions supplied by our criminal courts, and assuming that these are all voluntary. It is hardly necessary to point out, that this is begging the question. I answer shortly that these confessions are not voluntary, and therefore do not afford any proof that the native is prone to confess.

6. The theory of moral collapse much in vogue with those who contend that these retracted confessions are voluntary, is as inadequate as, in my opinion, it is absurd. The average native criminal is utterly devoid of nerves, in the Western sense, and left to himself would certainly not suffer from any "moral collapse" merely because he was arrested upon a charge which he knows could not be brought home to him without his own assistance. What he does suffer from is sheer, well grounded terror of what may be and in all human probability is in store for him, if he refuses to confess when the police exhort him to do so.

7. It is a common place that the conditions of police work here differ widely from those prevailing in England. Here the police get hardly any assistance from the people themselves. At home every one who can, is ready and willing to help the detection of crime. The villager dreads being involved in a criminal case, almost as much as being accused of having committed the offence. It means that he may be dragged away from his fields for weeks and kept hanging about Magistrates and Sessions' Courts, and exposed all the time to police pressure on one side, and the pressure of personal influences on the other. The remedy for this might be found in local assizes, bringing the trial of local crimes to the doors of the people where they were committed. But from a theoretical point of view, this kind of argument resolves itself into this. We cannot detect crime unless criminals confess; therefore let us make them confess, somehow.

8. I accept my brother Hayward's practical suggestion. If for no other reason, because it would prove convincingly and dramatically that I am right upon all my main grounds. If confessions were so restricted, there would be none. I except always those rare cases of passional crime to which I have once referred. And in those cases the confessions are almost always unnecessary. *Res ipsa loquitur*. So that where confessions are genuine we find that they are superfluous. They ought to be superfluous in all cases.

9. It may be objected that if the police were stopped from extorting confessions, the prisoners would be in no better case. The police would still torture to extort information. That is true. It would be true at least for a year or two after all retracted confessions were excluded. But gradually we might hope to find the police training themselves in detective work and relying less and less upon the traditionary, disreputable methods. In England the police do not rely on confessions; as a rule they do not want them and would rather be without them. Yet they obtain convictions. So it would be in India once they were shut off from this easy road to getting them. It is needless to dwell on the farce which is gone through before the third class magistrate, intended to guarantee the voluntariness of the confession. Everyone knows that it is a farce and that it guarantees nothing.

10. I have no time to examine the persistent confusion of thought which would make the believed truth of a confession, justification for its extortion. Doubtless many true confessions are extorted. But what we are concerned with is the grave reproach cast upon our present system by the need of having recourse to such ways of eliciting the truth. I am most strongly in favour of excluding retracted confessions altogether from Judge and Jury at Sessions

trials. Either that or abandoning the rather thin and naive belief that they have all been voluntarily made, and frankly acknowledging that we do not care how they were obtained as long as we believe them to be true. I could adduce a great many more reasons in support of my own position, and in refutation of all arguments to the contrary, but I could not do that satisfactorily within the limits of a note. What I have said will be enough to indicate one or two main lines of reasoning that, followed up, must necessarily lead to a true conclusion.

F. C. O. BEAMAN.

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*P. S.*—I wish to guard myself against being supposed to have attacked in a controversial spirit any of the opinions or reasons of my learned colleagues. I have not seen any of their minutes. I do not know what views they have expressed or what reasons they have given. Mr. Hayward informed me orally of his suggestion.

F. C. O. BEAMAN.

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I think the time has fully come for insisting that the main object of a police investigation should be the collection of evidence and not the extraction of confessions. I should therefore be in favour of limiting the powers of recording confessions to first class magistrates at head-quarters provided with a prison in the independent charge of the Jail Department; of providing that no confession should be recorded until the prisoner had been at least 24 hours in the independent custody of the officers of the Jail Department; and of prohibiting remand to police custody after confession except upon the orders of the District Magistrate.

M. H. W. HAYWARD.

*9th September 1911.*

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Enclosure no. 4.

No. 1347-P. D., dated Darjeeling, the 28th May 1912.

From—The Hon'ble Mr. C. J. STEVENSON-MOORE, C.V.O., I.C.S., Chief Secretary to the Government of Bengal,

To—The Secretary to the Government of India, Home Department.

I am directed to refer to Sir A. Earle's letter nos. 781—790, dated the 12th July 1911, in which this Government was asked to examine the regulations in force in Bengal, regarding the procedure to be followed in the matter of the production before Magistrates of confessing accused persons and the recording of their confessions by such Magistrates, and to suggest, in consultation with the highest judicial authorities, amendments, where necessary, of the existing rules after a consideration of the following specific questions:—

(*i*) Whether, on a balance of advantages, and disadvantages, it pays to have confessions recorded at all before the trial commences, except in very special circumstances, and by order of the District Magistrate;

(*ii*) Whether, in case it is not considered possible to stop altogether the recording of confessions before trial on the motion of the police, the safeguards which already exist, can not be made more stringent with a view to maintain the voluntary character of confessions;

(*iii*) Whether it is possible to withdraw the power of recording such confessions from Magistrates of the third class and to give it only to the Magistrate having jurisdication in the case, or at least to a first class or specially selected second class Magistrate;

(*iv*) Whether it is not feasible to make an absolute rule that once a prisoner has confessed he should in no circumstances be given back into police custody;

(*v*) Whether it might not be possible to lay down that, before his confession is recorded, an accused person shall have spent at least one night out of police custody; and

(*vi*) Whether it might not be possible to introduce in Bengal the Bombay procedure of questioning a confessing prisoner, when first produced after arrest, as to whether he has suffered ill-treatment at the hands of the police.

2. Selected officers both of the executive and judicial branches of the service and the High Court have been consulted in the matter and their opinions have been subjected to careful scrutiny and consideration by the Governor in Council. I am now to enclose a copy of the High Court's letter on the subject and to submit the views of His Excellency in Council on the suggestions made in the letter under reply.

3. In regard to the first question I am to say that the weight of opinion and notably that of the Hon'ble Judges of the High Court is against the exclusion from evidence of confessions recorded under Section 164 of the Criminal Procedure Code. His Excellency in Council has given the matter his careful consideration and agrees with the High Court that a man

alleged to be implicated in a crime should be permitted to make any statement he likes before a trustworthy and experienced Magistrate. The Governor in Council does not deny that abuses exist and that from time to time cases occur in which confessions are alleged or proved to have been obtained by means of violence or threats of violence and in which Magistrates who have recorded confessions have, by neglect of the rules on the subject and by want of the exercise of proper care and intelligence, failed to detect that the confessions were not made voluntarily. It is important, however, not to lose sight of the first principle involved. The object of criminal proceedings is to find out whether persons accused of offences have in fact committed them or not and this result can best be arrived at by examining all the evidence obtainable on the subject. No one is able to give more conclusive evidence as to what was done than the person who did it and any general rule to exclude that person from giving the assistance which he is obviously in a position to give amounts to an artificial obstruction to the attainment of the object for which the whole judicial system has been created. His Excellency in Council, therefore, thinks that the proper course is not summarily to rule out a most important class of evidence, least of all without the support of the high judicial authorities who habitually scrutinise all evidence with the utmost vigilance, and show the greatest anxiety to secure fair play for accused persons, but to try to eradicate such abuses as are known to occur. I am also to observe that the proposals of the Government of India in this matter relate solely to the judicial use of confessions and are not likely, in the opinion of the Governor in Council, to provide a complete remedy for the disease. Most police officers know that a confession is chiefly valuable for the clues which it provides and an unscrupulous police officer in search of clues would not be deterred from ill-treating an accused person by the fact that the accused's statement would not be placed on the record as a confession. His Excellency in Council, therefore, would deprecate the introduction of any such rule as that suggested by the Government of India, but he thinks that steps should be taken to strengthen the existing rules by the provision of further safeguards with a view to maintain the voluntary character of confessions.

4. The following are some of the measures, which commend themselves to His Excellency in Council as likely to be helpful in attaining this result. It should be strictly laid down that at the time when a confession is about to be recorded, the officer who brought the confessing prisoner in custody must not be in evidence at all. Again the recording of confessions in open Court during Court hours should be prescribed as the correct practice only to be departed from in exceptional circumstances. Further before recording a confession the Magistrate must impress on the accused that he will not be returned to the custody of the officer who arrested him or brought him before the Magistrate, and that he has nothing to fear at his hands. Finally to impress on Magistrates the importance of satisfying themselves as to the voluntary nature of the confession, the certificate to that effect should not be printed as it is at present on the form on which such statements are usually recorded but should be filled in by hand in each case.

5. The Governor in Council accepts in the main the suggestion of the Government of India that confessions should be recorded only by 1st class Magistrates. He would only modify it by adding that authority should be given to any Sub-divisional Officer as such, whatever his magisterial powers, to record confessions within his sub-division, since it is sometimes necessary to place a Civilian officer not yet endowed with the powers of a Magistrate of the 1st class in temporary charge of a sub-division and difficulties would arise if such an officer had not the power to take a confessing prisoner's statement.

6. In regard to the fourth suggestion made by the Government of India the conclusion arrived at by His Excellency the Governor in Council is that, once a prisoner has confessed he should not ordinarily be given back for the verification of his confession except to the charge of a Magistrate but that, when no Magistrate is available, the prisoner may be placed in custody of a police officer not lower in rank than an Inspector of Police of the 1st or 2nd grade who has had no previous concern with the accused in the case. His Excellency in Council does not think it feasible to prohibit absolutely the remand of a confessing accused to police custody. Such a provision might seriously hamper a perfectly honest investigation and a rule on the lines proposed supplemented by the conditions of Section 167, Criminal Procedure Code, should be effectual in preventing abuses.

7. The Governor in Council is prepared to accept the proposal that before a confession is recorded an accused person should have spent at least one night out of police custody, subject to the addition of the words "where practicable." This slight modification seems necessary to provide for cases where a confessing accused is taken before a Sub-divisional Officer when he is out in camp and far removed from head-quarters.

8. Finally with regard to the last suggestion made in your letter under reference I am to point out that the Bombay rules do not seem to provide as is stated for the questioning of a confessing prisoner when first produced before a Magistrate as to whether he has suffered ill-treatment at the hands of the police and such a procedure is in the opinion of the Governor in Council to be deprecated since it would invite complaints. His Excellency in Council considers that the requirements of the case would be met by the imposition of a rule directing that the Jail Superintendent must examine medically a confessing prisoner immediately on his admission to the jail as a matter of routine and that if any marks are discovered the medical report should be forwarded at the same time as the confessing prisoner to the Magistrate, who will record the confession.

Enclosure no. 4 (*i*).

No. 75, dated Calcutta, the 29th February 1912.

From—R. L. Ross, Esq., I.C.S., Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side,

To—The Secretary to the Government of Eastern Bengal and Assam, Revenue and General Department.

I am directed to acknowdge the receipt of your letter no. 2844-Pl., dated the 24th August 1911, with which you forwarded a copy of a letter no. 781-790, dated the 12th July 1911, and enclosures, from the Government of India in the Home Department, regarding the procedure to be followed both in the production before Magistrates of accused persons to have their confessions recorded, and in the recording by Magistrates of the confessions of persons so produced. You requested that the Government of Eastern Bengal and Assam might be favoured with the expression of the views of the Hon'ble the Chief Justice and Judges on the subject.

High Court.
English Department.
Criminal.

PRESENT:
The full Court.

2. In reply I am to say that the first question on which the opinion of the Court is asked is whether, on a balance of advantages and disadvantages, it is desirable to have confessions recorded at all, before the trial commences except in very special circumstances and by order of the District Magistrate. In the opinion of the Judges, the answer to this question should be in the affirmative. They think that any man who is alleged to be implicated in a crime should, if he so desires, be permitted to make any statement either admitting his guilt or explaining any facts or circumstances which appear to inculpate him, and to have that statement recorded by a trustworthy and experienced Magistrate.

3. The next point raised in Sir Archdale Earle's letter touches the safeguards which exist and suggests that they may be made more stringent. On this point the Court recommends that the statement made by an accused person should ordinarily be recorded by a Magistrate who has jurisdiction to try or enquire into the case. Only in the event of such a Magistrate not being available should a junior or an Honorary Magistrate be allowed to record it. No police officer who has been engaged in the investigation should be allowed to be present when the statement is recorded and only those officers who may be necessary to guard the prisoner.

4. The Judges think that the practice of verifying confessions should be carefully limited and should be confined to a verification of the facts which have been stated by the prisoner. Cases have been brought to notice in which the so-called verification has been used as a means of obtaining admissions to corroborate facts which have come to light after the confession has been made. This practice should be discontinued, and a verification for the purpose of amplifying a confession should not be allowed. A verification of a confession should be entrusted to an experienced Magistrate who should accompany the accused to the places referred to by him and his proceedings should be restricted to the verification and discovery of facts and local features which themselves either prove or disprove the truth of the statement. The investigating police officer should not be present at the time of the verification and only sufficient police guard to prevent the prisoner from escaping.

5. Where the prisoner alleges that improper influence, physical or moral, has been brought to bear on him to induce a confession, the charge should be promptly investigated; and where physical violence is said to have been used, the prisoner should be examined at once by a Medical Officer.

6. In conclusion the Judges desire to suggest that the best safeguard against the acceptance of an untrue confession improperly obtained will be found in the care and ability displayed by the Magistrate who is entrusted with the duty of recording it. They think that no advantage would be gained by a further elaboration of the rules in force in this province regulating the procedure to be followed after the prisoner has been brought into the presence of the Magistrate. The only essential is that the Magistrate who records the statement shall be an officer of intelligence and experience sufficient to enable him to determine whether it is a free and voluntary confession and not a statement which is the result of outside influence.

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Enclosure no. 5.

No. 1532, dated Naini Tal, the 8th May 1912.

From—S. P. O'DONNELL, Esq., Secretary to the Government of the United Provinces, Judicial Department,

To—The Secretary to the Government of India, Home Department.

I am directed to reply to Home Department letter no. 781-790, dated Simla, the $\frac{12}{19}$th July 1911, on the question of the procedure to be followed both in the production before magistrates of accused persons to have their confessions recorded and recording by magistrates of confessions made by persons so produced. In that letter the Lieutenant-Governor was requested to examine the Provincial regulations on the subject and submit a report with specific suggestions for amendment and to invite the views of the high judicial authorities.

The practice in this province is contained in orders 851 to 853, Manual of Government Orders, and in the Police Regulations :—

*United Provinces Manual of Government Orders.*

"851. Every confession which a person in police custody wishes to make should be recorded by the highest magistrate short of the District Magistrate who can be reached in a reasonable time."

"852. Magistrates should comply carefully with the provisions of the Criminal Procedure Code with regard to the recording of confessions or statements made by accused persons. Section 164 requires that no magistrate shall record a confession unless, upon questioning the person making it, he has reason to believe that it will be made voluntarily. No confession, therefore, should be recorded until the magistrate has thoroughly satisfied himself by all reasonable means that the person before him has not been subjected to improper influences of any kind, and that the statement he is about to make will be his own free and spontaneous statement. The magistrate should also, in addition to the memorandum prescribed by the section, record the fact that he has duly questioned the prisoner for the above purpose, and should further state briefly his reasons for believing the confession to have been made voluntarily. In no case, if possible, should the police, who have been concerned in the investigation or who have arrested the accused, be present while the latter is questioned and his statement taken down : a note that this precaution has been taken should also be put on the record."

Note.—Care should be taken that the memorandum required by section 164 is added.

"853. In view of the special importance of securing a trustworthy and correct record of any confession made in cases of organized dakaiti, a confession by one of a gang of dakaits should, wherever the circumstances permit it, be recorded by an experienced and well-qualified officer. The task requires patience and judgment, and instances have occurred of its being inefficiently performed. Confessions in important cases of dakaiti made under section 164, Criminal Procedure Code, should, therefore, be recorded by the District Magistrate or by a European magistrate of some standing, preferably the joint magistrate of the district in whatever part of the district the dakaiti may have taken place. The same principle may with advantage be observed in regard to other serious criminal cases."

*Paragraph III, United Provinces Police Regulations.*

"Before having a confession recorded it is advisable to test the truth of it; if not supported by strong corroborative evidence it may be of little value in court though recorded before a magistrate. The main use of a true confession is to determine the direction of the investigation."

"Every confession which a person in police custody wishes to make shall be recorded by the highest magistrate short of the District Magistrate who can be reached in a reasonable time. The higher the rank of the magistrate recording a confession, the greater is its value in evidence."

2. I am to enclose copies of the opinions of the Hon'ble Judges of the High Court and of the Judicial Commissioner and of the Additional Judicial Commissioners of Oudh and to state the views of His Honour upon the subject.

3. I am to draw attention to the following remarks in the resolution on the work of the police in the United Provinces in 1907 :—

"The Lieutenant-Governor's experience from the cases that have come before him on applications for remission or commutations of sentence strongly bears out the view that investigating officers too frequently overlook the necessity of obtaining evidence to corroborate facts ascertained from the confessions made by accused persons. The practice ordinarily followed seems to be to endeavour to get some admission from the accused person at as early a stage in the investigation as possible. Once this has been obtained the investigating officer is apt not to worry himself too much in making an exhaustive investigation : at some later stage of the proceedings before the courts the accused person withdraws his confession. Nothing could be more unsatisfactory than this system of investigation which begins at the wrong end. The proper course for the investigating officer to pursue is to test every possible theory for the commission of the crime by investigating and analysing every fact that becomes available. If, as the net is drawn closer round an individual by the ascertainment of facts that bring the case home to him he elects to confess, the confession adds confirmation to the evidence already collected. But the process of beginning the case by securing some admission from an accused person instead of first endeavouring to procure all the direct or circumstantial evidence that may be available is certain to shake the confidence of the courts in the results of the investigation by the police. In the Lieutenant-Governor's opinion there is no matter connected with police administration that demands reform more urgently than this."

The following passage occurs in Mr. Trethewy's report on the police administration in the United Provinces in 1909 :—

"It is very hard to eradicate the tendency of subordinate police officers to rely too much on confessions. This is a question which has engaged the earnest attention of the Deputy

Inspectors General and myself. I have gone through the proceedings in many cases leading to acquittals of important offences, such as dakaiti and murder, in order to look out for defects in the action of the police and can say that most superintendents are now alive to the necessity of exercising caution before allowing a confession to be recorded and accepted as the basis of the investigation. Mr. H. G. Richardson and Mr. B. M. Hamilton may be specially mentioned as taking great pains in this direction. The Magistrate of Meerut remarks: 'I am rapidly coming to the opinion that it would be better for police work if confessions were entirely inadmissible in evidence. The tendency to try and get some sort of a confession and then to build up evidence around it seems inevitable. Undoubtedly the cleverer criminal now realizes that all he has to do to ensure his comfort when tackled is to confess, and that he is practically certain of acquittal when he retracts later on. I have long ago stopped tahsildars or local magistrates from recording confessions.' The Superintendent of Police at Meerut has issued an order that no confessions are to be recorded till the accused has been produced before him. The Commissioner endorses the views of these two officers as to the harm done by confessions. These opinions and orders seem sound as applying to the kind of confession obtained during the course of an investigation, and when a gazetted officer supervises the proceedings of the police in which a person has confessed it is certainly advisable that he should see the accused apart from the subordinate police and question him carefully to determine whether his statement is true. There is however another kind of confession often made in murder cases, specially when the motive of the crime has been jealousy; the murderer rushes off hot foot to the police station and reports all the circumstances of his guilt; on such an occasion there is no harm in getting his statement recorded by the nearest magistrate, for if he is left to get cool he may think better of his original intentions to welcome punishment. With reference to confessions of the first kind there are two points which the police are prone to overlook. The first is that the confession, if true, may be more useful as giving a direction to the course of the investigation than as a piece of evidence; it shows the police which line to follow and where to look for proof. The second is that especially in a dakaiti or gang case the confession should not be accepted as a whole till all the details have been checked as much as possible. Many a prosecution has failed because a confession, true in the main, is false in some particulars."

The comment made on this passage in the Government resolution was—

"In this connection it will be useful to consider the vexed question of how far confessions should be allowed to effect the work of police. It is impossible to lay down more than very general rules on this subject. It is absolutely necessary that the subordinate police should be made to understand that no sort of pressure, direct or indirect, is to be put upon persons to make them confess. His Honour sees no reason to suppose that there is anything like a general practice of putting pressure upon persons to make them confess. It has been broadly suggested in some quarters that such a practice exists, and some persons have gone so far as to imply that the use of physical torture is by no means uncommon. The Lieutenant-Governor is unable to find that the facts support these allegations. Occasionally it is discovered that confessions have been improperly obtained; but there is no justification for a general charge against the police of this province of using illegal and improper methods to extort confessions. His Honour considers that it would be exceedingly difficult for torture to be inflicted by a police officer in any case without certain risks of detection, and the fact that in hardly any instance has such torture been proved goes to show that the allegations of the persons who assert the existence of such a general habit are without foundation. Even when a confession is made spontaneously and without any pressure being placed upon the person making it, it frequently leads to subsequent bad work in investigation. Too often an investigating officer considers that, once a confession has been obtained, the case is over. The real value of a confession is the clue it gives for carrying on the inquiry on right lines. If investigating officers would only recognise this fact less would be heard of cases failing owing to confessions being retracted in courts. This is another matter in which supervision by superior officers is essential. It is on their guidance of the subordinate police, their intelligence in pointing out correct methods and their restraining the use of incorrect methods that success in working out difficult cases must finally depend."

4. These remarks sufficiently indicate the place that the confession should in the opinion of the Lieutenant-Governor take in the work of investigation. The following instructions were issued in the form of a circular letter to all superintendents of police, dated the 15th July 1908, by the Inspector-General of Police, to impress the importance of these principles:—

"There is a growing tendency on the part of the police to deal with important cases of murder and other heinous crimes solely on confessions or statements unsupported by material or corroborative evidence. Instead of working on the information so obtained and procuring corroborative evidence, investigating officers generally take immediate steps to have the confession or statement recorded by a magistrate and then consider they have done all that is required in the case. It constantly happens that such confession or statement is subsequently retracted and, there being little evidence available, the case breaks down in court.

Superintendents of police must do all in their power to instil sounder methods of working into their subordinates and in order to ensure that this is done in all important cases, it is

desirable that the services of assistant and deputy superintendents should be freely utilized in supervising investigations.

The subordinate police will welcome the assistance that these officers can render them in the handling of such inquiries and in any case this step will ensure that the investigation is thorough and complete.

Deputy Inspectors-General should, when inspecting districts, satisfy themselves that these orders are carried out, and should note in their inspection reports the number of cases in which assistant superintendents and deputy superintendents have been entrusted with investigations.

The subject should be noted on in the district annual reports."

There is reason to believe that the instructions given are being followed intelligently and that the defects found in 1907 are disappearing.

5. The next point to be considered is the manner in which a confession should be recorded. I am to suggest that what is required is a record of a confession which will, in practically all cases, prove itself as spontaneous and unimpeachable, or the reverse. The two main objects to be attained are to guard against improper pressure being put upon the person confessing, and to secure that, if improper pressure has not been put upon the person confessing, he shall not usually be able to retract his confession successfully.

6. This subject has already been considered by Sir John Hewett, and in October 1910 he examined closely the procedure adopted in recording confessions in this province.

The view which he took was that while it is for the Government to modify rules affecting matters of an executive nature such as those regarding custody of under-trial prisoners, directions as to the manner in which judicial officers should exercise their functions as courts of justice can only emanate from the chief judicial tribunals. This is the view which is accepted by the Government of India in the letter under reply. Although the Lieutenant-Governor considered that a modification of the procedure under which judicial officers recorded confessions was for many reasons desirable, there did not then seem to him to be sufficient grounds on which he could approach the highest judicial authorities on the subject. Conditions have since altered, and now that the opinions of the judicial authorities have been taken and their views are found to be in general accord with his own, His Honour proposes to make certain suggestions to the High Court and the Judicial Commissioner with the object of regulating and improving the procedure in vogue.

7. The Lieutenant-Governor considers it desirable that a rule should be made that no confession shall be recorded except by a magistrate of the first class or specially selected magistrate of the second class, and that it should be recorded, whenever possible, by the magistrate who decides the case or commits the case for trial. The suggestion will be placed before the High Court and the Judicial Commissioner. The employment of a tahsildar as the officer before whom confessions are recorded appears to the Lieutenant-Governor to be usually undesirable. It is not likely that there will be any inconvenience caused by prohibiting tahsildars from recording such confessions. There are now only 96 out of 216 tahsils which are not on a line of railway, and in the circumstances it will not in most cases entail any appreciable delay if an accused person who desires to confess is conveyed from a tahsil to headquarters. It will further be suggested that the magistrate shall first examine the accused, noting whether he is suffering from excitement, whether he appears tired, worn out or restless and generally whether he is in a normal and ordinary condition for a man of his class, and examine him closely for bruises or other marks of injury. It will be also proposed that a medical man, if procurable, should also examine the man thoroughly, and that the magistrate should make a careful and detailed note, stating the result of his examination, and adding to it the written note of the medical examination, if any. The Lieutenant-Governor will further suggest that in no case should the police, who have been concerned in the investigation or who have arrested the accused, be present while the latter is questioned and his statement taken down, and that the magistrate should, if possible, keep the prisoner for some time in his court, in other than police custody, after all police officers connected with the case have been excluded, so that any influence which may have been brought to bear on the prisoner may have a chance of being lessened or destroyed.

8. The Lieutenant-Governor will also suggest that questions in the following or some similar form should be put to the prisoner by the magistrate, the actual questions to be varied or amplified at his discretion subject to the necessary condition that every question that is put must be recorded.

*Q.*—Do you understand that you will not return again to or go near the police officers connected with this case?

*Q.*—Are you making a statement of your own free will?

*Q.*—Have you been ill-treated in any way by the police or anyone else in order to make you confess?

*Q.*—Are you afraid that anyone will do you an injury if you do not confess?

*Q.*—Has a police officer or anyone else told you that you will gain anything if you do confess?

*Q.*—Do you hope to gain anything if you do confess?

Q.—Has a police officer or anyone else given you anything you wanted to make you confess?

Q.—Do you understand the position clearly? You have nothing to hope or fear from the police officers you have previously been with. You are not going near them again. They cannot help you or injure you. I promise you nothing. I do not promise you a pardon, or any mitigation of sentence. I have no reason for supposing that you will be pardoned or have your sentence reduced if you are guilty because you are confessing. Do you wish to make a statement?

Q.—What have you to say?

The suggestion will continue that, after fully satisfying himself that the prisoner is desirous of making a genuine confession, the magistrate should proceed to record his statement, as nearly as possible *verbatim*, and to ask any questions necessary to explain or even to amplify the confession made and should carefully record every question put, and that finally he should append a certificate to the effect that all the instructions above suggested have been fully carried out, recording his reasons for any deviation from them, and stating fully his reasons for believing the confession to have been a genuine one, if such be his conviction. It will further be suggested that when the confession is over the magistrate will have it carefully read to the man, and then send him in custody of police officers other than those connected with the case to the nearest magistrate's lock-up.

9. The Lieutenant-Governor will consider separately the necessity for providing restrictions to the restoration of a confessing prisoner to police custody. It may be possible to arrange that in no circumstances will such a person ever remain in police custody after he has made a confession with a provision that the police, if they wish, can interview him afterwards in the presence of the jail authorities, and that, further, when a man is sent up to confess and refuses to confess he will not be sent back to police custody. It may not, however, be possible to prohibit absolutely the retention of such persons by the police in any circumstances, but every attempt will be made, even if the prohibition be not made absolute, to reduce the occasions and the period of such detention to a minimum.

10. The question of confessions is connected intimately with the question of remands to the custody of the police. The Police Commission referred in paragraph 166 of their report to informal arrests. One of the abuses most difficult to eradicate from police work is the tendency of the police to keep a man in illegal detention and practically under arrest and to describe this procedure as the detention of him under observation. The practice was formerly common. It has been on the wane in this province for years and is gradually (though slowly) dying out. Sir John Hewett is of opinion that if the legal authority to remand in police custody were taken away the practice would again increase. The time when torture is to be apprehended is not the time after the man has been placed under legal arrest. For it becomes easy to bring home proof against an offending police officer by marks of torture. The opportunity for torture arises before legal arrest takes place, and the abolition of such remands, so far from assisting the suppression of torture by the police, would be likely to interfere with the discovery and the proof of this form of crime. At the same time the Lieutenant-Governor considers that remands for as long as fifteen days are unnecessary in places where communications are as good as they generally are in the United Provinces, and he would like to see the law altered so as to limit remands to police custody to a period of seven days except in more backward tracts and elsewhere under the express orders of the District Magistrate. A modification in the provisions of the Code of Criminal Procedure will be required before this object can be effected but as the question of amending the Code is now under the consideration of the Government of India the present will be a suitable occasion for consideration of this proposal. It also seems desirable to Sir John Hewett that during such remands to police custody the superintendent of police should have the opportunity of satisfying himself by examining a person who is said to be willing to confess that his subordinates have not abused their powers in this respect. With the above modifications the power to remand to police custody may be retained with advantage. Amongst other reasons which can be advanced for its retention in a restricted form one stands out especially. If effect is to be given to the intelligent procedure suggested in the report of 1909 by Mr. Trethewy, to which reference has been already made, for the guidance of police officers in obtaining and recording confession—a procedure which in the opinion of His Honour provides admirably for the prevention of false confessions and confessions obtained in an improper manner—a certain degree of latitude must be permitted to the police to retain accused persons on certain occasions in their own custody, and in many cases in which the superintendent of police is not at headquarters it will be necessary for investigating officers to retain the accused person in their own custody in order to bring him before the superintendent.

11. The Lieutenant-Governor is inclined to deprecate the addition of further restrictions. He is in absolute agreement with the learned Judges of the High Court and the Judicial Commissioner and the Additional Judicial Commissioner of Oudh that it will be inadvisable to forbid the recording of confessions before the trial commences except in very special circumstances and by the order of the District Magistrate.

12. There is, the Lieutenant-Governor is convinced, sufficient reality in the confession to justify its retention generally, if recorded by a responsible magistrate, and provided that precautions are adopted to ensure that the accused is not exposed to ill-treatment or fear of

ill-treatment by the police after he has made his confession or has refused to make a confession before a magistrate. The confession should, whenever possible, be recorded before the magistrate who will hold the inquiry or trial, but provision must be made for cases where this is not possible without unreasonable delay.

13. Sir John Hewett is satisfied after consulting judicial officers of all grades and as a result of observing a very large number of confessions in judicial records which have come before him in applications for clemency of remission of sentence or otherwise that the cases of genuine confessions by Indian criminals are comparatively numerous. It is largely a matter of temperament and environment. For one thing crimes of passion are much more common in India than in England. For another the influence of public opinion in an Indian village has more effect on an Indian villager than any public opinion in England on an Englishman. For a third the people are more emotional and superstitious. Given these causes it cannot be regarded as surprising that confessions are volunteered in this country to an extent which would seem hardly credible in England. But if comparison were made with a continental country, such as Italy, it would probably be found that the difference was less striking. Some of the reasons which make for a large number of confessions in India make also for their subsequent retractation. The mental condition which drives a criminal to unburden himself is naturally more intense amongst the unbalanced peasants who for the most part commit crimes of passion in this province. But the frenzy which induced such a criminal to exalt his crime or the impulse which impels declaration to obtain a momentary respite is succeeded frequently in such an organization by a reaction under the influence of which the instinct of self-preservation reasserts itself. Under the second influence retractation follows. In addition the retractation of confession is greatly influenced in this country by the practice of placing under-trial prisoners in close communication with each other in the police lock-up. And once a man has been remanded to the jail lock-up inter-communication between under-trial prisoners and men under sentence becomes practically unavoidable whatever the regulations may be. In the circumstances retractation is not surprising, and does not in any way necessarily reflect on the genuineness of the original confession.

14. I am to add that Sir John Hewett is of opinion that, while the imposition of conditions of the nature suggested will afford sufficient protection for the present, the way should be left open for subsequent consideration of the advisability of altering the law to enable accused persons to give evidence in the same manner as they now give evidence in England. Experience in England has shown that the admission of prisoners' evidence has operated in the interests of the innocent, and in the furtherance of justice, and he sees no reason why action on similar lines should not be adopted with advantage in India although it is likely that such a change in the law would be opposed here by much the same interests as opposed it in Great Britain.

15. The opinions of the high judicial authorities who have been consulted go to show that they attach no importance to the mere fact that a confession has been retracted, provided that it has been recorded in the circumstances which safeguard its genuineness and its accuracy. It is not the experience of His Honour that the courts of this province attach no weight to a retracted confession *per se* or that simply because it has been retracted they demand additional evidence which would in itself be sufficient for a conviction in absence of a confession. The courts of this province usually take confessions for what they are properly worth. They take retractions for what they are properly worth, and judge the value of a retracted confession on reasonable principles.

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Enclosure no. 5 (*i*).

No. 2258-XIV—380, dated Lucknow, the 27th September 1911.

From—L. G. EVANS, Esq., Judicial Commissioner of Oudh,

To—The Secretary to the Government of the United Provinces.

With reference to your letter no. 2294-VI—629-1911, dated the 23rd August 1911, I have the honour to submit the opinions of my colleagues and my own opinion on the points raised by the Government of India with reference to the procedure to be followed in the production of accused persons before magistrates with the object of recording their confessions and in recording such confessions.

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Enclosure no. 5 (*i*) (*a*).

*Opinion recorded by T. C. Piggott, Esq., First Additional Judicial Commissioner of Oudh, dated the 5th September 1911.*

I would suggest that as a basis for any fruitful consideration of this question it is advisable first of all to arrive at a clear opinion as to the reason why any change in the existing law or procedure is considered necessary, or, in other words, as to the nature of the evils or abuses against which it is sought to guard. So far as my own experience goes, I do not think that there is any foundation for the suggestion that the lives or liberties of innocent persons are in danger under the existing law. I have occasionally come across cases in which

the power of causing the confessions of accused persons to be recorded before the commencement of the enquiry or trial under the provisions of section 164 of the Code of Criminal Procedure seems to me to have been abused, and in which confessions so recorded are unreliable or altogether worthless as evidence. I think such cases are readily detected and exposed by the courts and that a person who is really innocent of all connection with a particular crime runs exceedingly little risk of being convicted on the strength of a confession under this section obtained from him by improper means. The real danger to be guarded against, in my opinion, is the temptation which the existing state of the law offers to over-zealous, unscrupulous, or incompetent police officers. I do believe that serious failures of justice occasionally occur because a case has been sent up for trial mainly on the strength of some confession or confessions improperly obtained, irregularly recorded and of no evidential value when a more intelligent and straightforward investigation would have resulted in the production of evidence sufficient to bring home their guilt to the actual criminals. On this ground alone I am in favour of some modification of the existing procedure, though feeling strongly that the whole question is one of choice of evils and that it is inadvisable to hamper the police in their contest with crime, especially with organized crime, by more restrictions than appear to be absolutely necessary.

2. I would strongly deprecate the suggestion that the power of recording confessions before the commencement of an inquiry or trial should be entirely taken away from the Indian magistracy. Such a power appears to be a necessary complement and corrective of the special provision of law in this country which prohibits the tendering in evidence of any confession made by a person while he is in the custody of a police officer. It is particularly valuable in two classes of cases :

(*a*) in the investigation of organized crimes such as dakaitis ;

(*b*) in connection with serious offences, such as murders, when it is obvious from the outset of the inquiry that a certain number of persons (as for instance a particular family, or the residents in a particular house or enclosure), must all of them know more or less of the truth regarding the commission of the crime and yet it is almost impossible to bring home the guilt to any particular person or persons except upon the statements made by members of the family or residents within the enclosure.

In the former class of cases the police may often find in their hands at an early stage of the inquiry a member of the gang which committed the offence who is prepared, for one reason or other, to make a clean breast of the whole matter. The inquiry must proceed for the time being upon the information which this individual is prepared to give, and it is of the highest importance that any statement which he may make should be made by him under the sense of responsibility imposed by the knowledge that it could be proved against him in the event of his being put upon his trial. Moreover in many cases it would seriously hamper the court in trying to arrive at the facts and to estimate the value of evidence subsequently produced, if it were not in a position to take evidence as to precisely what the informer, or the accused who first fell into the hands of the police, had actually stated at the time of, or shortly after, his arrest.

In the second class of cases to which I have referred I am confident that, even as the law now stands, persons are put forward to make to the police and to repeat before a magistrate statements more or less of the nature of confessions, but conveying a false or seriously distorted version of the actual facts. This is done to choke off further inquiry, to put the police on to a wrong track, or simply to offer up one out of several guilty persons as a sort of scapegoat to the vengeance of the law. Confessions made under these circumstances are almost always retracted, and I am confident that in some cases they are carefully calculated beforehand with a view to their intrinsic falsehood becoming demonstrable at the trial, and so involving the failure of the prosecution even as against the individual who had undertaken the risk of "confessing." If statements of this sort were permitted to be made to investigating police officers under guarantee that under no circumstances could they be proved in evidence at the trial, and with the knowledge that the persons making them could not be asked to guarantee their truth by repeating them in the presence of a magistrate before the inquiry by the police was closed, I am convinced that the difficulties of the police in dealing with this class of crime, serious as they are at present, would be very much aggravated.

3. I incline however to the opinion that the class of magistrates empowered to record confessions under section 164, Code of Criminal Procedure, might with advantage be restricted. I arrive at this conclusion with reluctance, and in spite of a feeling that such a measure will in some cases unnecessarily hamper an honest investigating officer in the conduct of a difficult inquiry. At the same time I find from experience that in the majority of the cases (if not in all) in which a confession recorded before the commencement of the inquiry is found to have been obtained by the use of improper methods, to have been irregularly recorded or to be otherwise worthless as evidence, it has in fact been taken by a magistrate whose qualifications and experience were not equal to the responsibilities thus laid upon him. Moreover I think (and this is to my mind the principal advantage to be anticipated from any such change) that if the number of magistrates empowered to record such confessions were restricted, there would be some chance that any instructions which might be issued for their guidance under the

authority of the Local Governments or of the High Court would be brought to their notice and would be observed with reasonable fidelity. The instructions issued by the various High Courts which are to be found printed in the appendix to the Government of India's letter under reply are mostly admirable, and it is obvious that very little difficulty would have arisen in this matter if any one of these sets of instructions had always been carefully followed by the magistrates for whose guidance it was intended.

4. I would suggest therefore an amendment of section 164 of the Code of Criminal Procedure confining the powers thereby conferred to magistrates who would be competent (apart from any question of territorial jurisdiction) to try or to commit for trial the offence under investigation. The practical result would be that confessions in important cases would be recorded only by magistrates of the first class, or by magistrates of the second class empowered to commit for trial by the court of session. Indeed, if it were thought more convenient to put the proposed alteration into this form my suggestion would be to restrict the powers conferred by this section to magistrates of the first class and magistrates of the second class, either especially empowered thereunder or empowered to commit for trial by the court of session. This would mean practically that the section would not be used except in cases of serious crime, and I do not know that any attempt is made to use it in petty cases as the law now stands.

5. I would further make it obligatory under the law that the magistrate should, before commencing to record any such confession, question the person making it in order to satisfy himself that it is being made voluntarily, and to put on record as part of the examination the questions so put by him to the accused and the answers returned by the latter. Pending some such alteration in the law I think these results might be secured by executive orders addressed to District Magistrates and police officers.

6. When this has been done, and as supplementary to these changes in the procedure, I think all the High Courts might be asked to issue instructions as to the recording of such confessions, and that District Magistrates should be required to see that these instructions are clearly brought to the notice of the first and second class magistrates concerned. As regards the particular form of instructions to be issued, those shown in the Government appendix as issued under the authority of the Judicial Commissioner of the Central Provinces seem to me to meet the case. I should be disposed to require the magistrate to place on record the fact that no police officer connected with the investigation of the case or the arrest of the accused is present in the room, or even within sight or hearing of the accused, while the confession is being recorded; indeed I think the examination ought to commence by putting this fact in the form of a question to the prisoner himself and recording his own admission of its truth. I should be prepared to draw up a certain set of questions which magistrates might be directed in every case to put to the accused before commencing to record his statement, and even to embody such questions in a printed form to be issued for the recording of confessions under section 164 of the Code of Criminal Procedure.

7. If anything more than this is required, I think it should take the form of instructions issued departmentally by the head of the provincial police. In order to make such instructions of any value it would have to be clearly understood that a deliberate breach of the same on the part of an investigating officer would be considered an unpardonable offence, that is to say unpardonable in the sense that some sort of punishment would in every case follow upon its commission. My own opinion is that if all investigating police officers could be got to understand once and for all that the obtaining of confessions in an improper manner, and getting them recorded under pressure, was an offence in the eyes of their departmental superiors and that they would not be allowed to plead in defence or extenuation that they really got hold of the right man or that no conviction of the guilty persons could have been secured at all unless some individual had been induced to speak by the exercise of trickery or judicious pressure, we should hear very little in the way of complaints about confessions obtained before the commencement of an inquiry or trial.

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*Opinion recorded by B. Lindsay, Esq., Second Additional Judicial Commissioner of Oudh, dated the 5th September 1911.*

I have only a few observations to make on the proposals contained in the Government of India's letter.

(1) I do not think that it would be advisable to stop altogether the recording of confessions before trial.

(2) I would limit the power of recording confessions to magistrates who have been invested with powers to commit to sessions.

(3) I am of opinion that in these provinces generally magistrates do not take sufficient care to inquire into the circumstances attending the making of confessions so as to satisfy themselves that they are being made voluntarily. Before the confession is recorded there should be a full note made of the steps taken to ascertain the voluntary nature of the statement. I think it important, as laid down in some of the instructions, that the body of the accused should be examined in order to see if he has been subjected to any violence.

(4) I am in favour of the suggestion that before the confession is taken the accused should be allowed to spend a night out of police custody. And after the confession he should

not again be remanded to police custody unless such a step is essential for the prosecution of the police inquiry.

(5) The law as to the admissibility of confessions against the person making them should be explained to the accused before he is allowed to make any statement and a record of this having been done should be made in the proceedings.

(6) I approve of the direction issued by the Bombay High Court regarding the noting of the date and hour of the commission of the offence and the date and hour when the accused first came into police custody. The accused should himself be questioned on these points.

(7) I also strongly approve of the direction in the orders issued in the Central Provinces that the magistrate is not to ask "fishing" questions. No questions should be put except those that are necessary to enable the accused to explain any statement already made regarding the meaning of which the magistrate may have doubt.

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*Opinion recorded by L. G. Evans, Esq., Judicial Commissioner of Oudh.*

I agree generally with the notes made by my colleagues.

My experience is that it is fairly easy to ascertain whether a confession has in it any elements of truth.

Confessions made under police pressure can be detected if the circumstances under which it is (they are?) made are considered.

Broadly stated true confessions come under two heads—

(1) confessions made by a criminal *immediately after* a crime, when he has committed a crime in the heat of passion and he knows he cannot get off undetected;

(2) confessions made by a criminal who has deliberately committed a crime, but who finds that sufficient evidence as to his guilt has been discovered by the police and his only hope of escape is to be an informer.

A striking instance of this occurred in a dakaiti case tried by the Judge of Gonda about fifteen months ago. A dakaiti occurred and by a piece of good luck the police got hold of overwhelming evidence against some six men, and then they all made desperate efforts to be treated as informers and gave good details of the affair. The genuine nature of these confessions was obvious.

The existing rules as to recording confessions are very good, but much more depends on the good sense and intelligence of the magistrate who records the confession, and for this reason I would restrict the power of recording confessions to first class magistrates only.

Persons who have confessed should not be sent back to the police, unless the magistrate certifies that such procedure is in his opinion absolutely necessary to complete the inquiry. Such certificates should not be given as a matter of form, but only after complete and careful consideration.

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Enclosure no. 5 (*ii*).

No. 6090, dated Allahabad, the 18th November 1911.

From—S. P. O'DONNELL, Esq., Registrar, High Court of Judicature for the North-Western Provinces,

To—The Secretary to the Government of the United Provinces.

I am directed to reply to your letter no. 2293/VI—629, dated the 23rd/24th August 1911, enclosing a copy of a letter nos. 781—790, dated the 12th/19th July 1911, from the Government of India, Home Department, with reference to the procedure to be followed in the production of accused persons before magistrates with the object of recording their confessions, and in recording such confessions.

(1) The Court are opposed to the suggestion "that the recording of confessions should be prohibited except in very special circumstances and under the orders of the District Magistrate." Whilst recognizing that the admissibility of confessions as evidence in a trial leads occasionally to grave abuses, they consider that a prohibition so rigorous as that proposed is, in the conditions obtaining in this country, undesirable and impracticable.

(2) They are entirely in favour however of the proposal that confessions should never be recorded by a third class magistrate. In their opinion confessions should, if this is not impossible, be invariably recorded before a first class magistrate.

(3) In practice difficulties, they apprehend, are likely to attend the enforcement of an absolute rule that a prisoner, who has confessed should, in no circumstances, be returned to the police. But in their opinion a prisoner who has been produced by the police for the purpose of having his confession recorded should not be returned to police custody without the special order in writing of a first class magistrate and that whether he has or has not actually made a confession.

(4) The suggestion that before a confession is recorded an accused person should have spent at least one night out of police custody, has much in its favour provided adequate arrangements for the proper segregation in the lock-up of the accused person can be made. Where no such arrangements can be made the proposal is in the Court's view impracticable.

(5) The adoption of the Bombay rule that confessing prisoners should be questioned as to whether they have suffered ill-treatment at the hands of the police is not, the Judges think, likely in practice to be of much benefit. It is already the duty of the magistrate to satisfy himself that the confession is being made voluntarily and not as the result of ill-treatment, and the prescribing of particular questions to be put to a confessing prisoner might conceivably defeat the very object aimed at.

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Enclosure no. 6.

No. 18-C., dated the 2nd December 1913.

From—The Hon'ble Mr. C. A. BARRON, C.I.E., Chief Secretary to the Government of the Punjab,

To—The Secretary to the Government of India, Home Department.

I am directed to reply to the letter of the Government of India detailed in the margin in which various suggestions are made for safeguarding accused persons who record confessions in criminal cases under investigation by the police.

Nos. 781—790, dated 12th July 1911.

The opinions of the Hon'ble Judges of the Chief Court were obtained and I am directed to forward a copy of those opinions. It will be noticed that the Hon'ble Judges are unanimous in expressing the opinion that confessions are of great evidential value; that in the vast majority of cases confessions made by accused persons are strictly voluntary; and that no general inference can be drawn from the frequent repudiation of confessions at a subsequent stage of enquiry or trial that they were, in the first instance, extorted by torture or undue pressure of other kinds. The Hon'ble Judges differ somewhat as to the necessity for minor alterations in the existing instructions relating to confessions, but on the broad question of the adequacy or otherwise of the procedure at present prescribed in providing the necessary safeguards they are entirely at one. With this general conclusion expressed so confidently by the highest tribunal in the Province Sir Michael O'Dwyer entirely concurs.

2. The Lieutenant-Governor does not consider that it would be expedient to abolish altogether the recording of confessions on the motion of the police. The existing rules of the Chief Court and of the Police Department direct that such confession should be recorded before the Magistrate exercising the highest powers, short of the District Magistrate, who can be reached within a reasonable time. Third class Magistrates are not allowed to record confessions unless in very exceptional circumstances, and resort to Honorary Magistrates is discountenanced. Magistrates who record confessions are already directed to enquire carefully from the accused whether any pressure or inducement has been brought to bear upon him, and it is their plain duty to examine the bodies of accused persons who make any complaint of personal injury. This duty, it has never been alleged, that Magistrates do not carry out conscientiously. Magistrates before remanding an accused person to police custody have to consider whether there are any reasons against this course, and ordinarily persons who refuse before a Magistrate to make any confession are not returned to the custody of the police. Those who do make confessions may be remanded to police custody if their assistance is required for the further investigation of the case, but are only so returned by written order of the Magistrate and for special reasons which should be recorded by the Magistrate.

3. Such being the instructions already in force on the subject, the Lieutenant-Governor does not advise that any radical alteration should be made in them except that he would be prepared to rule that confessions should usually be recorded only by the 1st or 2nd class Magistrates having jurisdiction in the case, exception being made for a proper discretion being exercised by other Magistrates with equal powers in urgent cases. His Honour would therefore exclude 3rd class Magistrates altogether but would allow confessions to be recorded by specially empowered stipendiary Magistrates with 2nd class powers and by specially empowered Honorary Magistrates exercising 2nd class powers. Honorary Magistrates of the 1st class are rare in the Punjab and the powers are only conferred with the concurrence of the Chief Court on men of proved ability and experience. They are in his Honour's opinion perfectly fit to be entrusted with the duty of recording confessions. The Bombay rules referred to in paragraph 4 of your letter nos. 781-790, dated 12th July 1911, corresponds closely to the Punjab rules on the subject, but the Lieutenant-Governor would add to the latter the Bombay rule prescribing bodily examination of the accused when there is any allegation or suspicion of ill-treatment. Such a procedure is in the interests of the police themselves, and will tend to prevent the allegations of ill-treatment now so freely, and generally falsely, made at a subsequent stage when the accused retracts a confession.

4. In conclusion I am to express regret that as the result of a serious misunderstanding in office the reply to these letters has been so long delayed.

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Enclosure no. 6 (*i*).

OPINIONS.

I am in favour of a confessing prisoner being taken at once to a Magistrate of the highest class available in order that his confessions may be recorded. There is usually no

difficulty in finding a Magistrate of the 1st class and the duty of recording a confession should take precedence of ordinary duties.

It is a matter of common experience in this province that a prisoner, who confesses when he thinks denial is useless, withdraws his confession as soon as he has come in contact with experienced jail-birds, who advise him that the case against him is not as black as he thought. Record by a Magistrate tends to defeat the subsequent withdrawal. This Court has directed that prisoners should not be taken to a Magistrate of the 3rd Class if one of a higher class is available without unreasonable delay. Magistrates have been directed to satisfy themselves that the confession is voluntary. For this purpose an examination of the prisoner's person is sometimes advisable. I would leave this to the discretion of the Magistrate. In my opinion confessions are usually made because the prisoner thinks denial hopeless or because his relations and neighbours know that he is guilty.

A. H. S. REID,
*Chief Judge.*

*The 21st October 1911.*

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Enclosure no. 6 (*ii*).

I agree generally with the remarks of the Chief Judge, but wish to add one or two observations of my own.

I do not think confessions are by any means so useless as the letter of the Government of India would infer, nor do I think that the police of this province at any rate deserve that the inference should be drawn that torture is at least probable in all cases. I have come across some cases in which, in my belief, torture was to be very strongly suspected, but for one accusation of the kind which I have found to be true I have heard 99 certainly false. So far from my experience being that confessions, "are adhered to" my own experience is that almost every confession true or false, is retracted the moment the accused gets access to hardened criminals. In one case before me it was in evidence that one accused said to another who was being bullied to confess "what a fool you are—confess—and retract it afterwards," and I well remember years ago a Deputy Inspector of Police saying to me "Sahib, we have not much encouragement to treat prisoners well—whatever we do we are certain to be accused of torture." I know nothing of the police of the other provinces. I know the police of the Punjab well, and though I have had in the exercise of my duty to say hard things of *individuals* in the force, I think they do not in any way deserve the slur which would certainly be cast on them if some of these rules were brought into force. If we show no confidence whatever in our police, who else is likely to show any?

I think that confessions should be recorded before the Magistrate of the highest grade reasonably available and that, if any complaint of ill-treatment is made to him, or at any time to any Magistrate, then the Magistrate should immediately examine the person of the accused. A prisoner brought before a Magistrate to confess, and who *refuses* to do so, should not as a rule be allowed to go back into police custody. If he makes a confession which the Magistrate is convinced is voluntary the objection is less, but it should only be allowed by special order. I think confessions properly recorded and bearing on the face of them the marks of *bona fides*, are of the greater weight in most of the courts than either the Government of India letter, or the remarks of Messrs. French and Wallace would imply. Students of criminology all point out that confessions, so far from being unusual and not to be expected is the natural tendency of criminals of the "amateur" type, as most murderers in particular are. The principal precautions I recommend are—

(1) Confessions only to be ordinarily recorded by Magistrate of the 1st Class.

(2) Magistrates should satisfy themselves that the confessions are voluntary.

(3) Accused persons brought up to have confessions recorded should not, except by special order after confession, be remanded to police custody, and *never* if they refuse to confess. The real danger of course is that accused persons should confess for fear of ill-treatment if they do not. I see the police point of view, but the police, when the accused has confessed to them and given valuable information, should consider whether most advantage lies in putting the accused up to confess, and so having to surrender custody of his person, or in the opposite course. I would not forbid the recording of confessions before trial.

F. A. ROBERTSON,
*Judge.*

*The 24th October 1911.*

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Enclosure no. 6 (*iii*).

I agree with my colleagues that the Government of India letter underrates the value of the existing law and practice as to confessions. The law is sound enough and should be maintained. The abuses which come to light are so rare that no case is established for abolishing or even largely restricting the powers of Criminal Courts to consider duly authenticated

confessions. The practice in the Punjab also seems to me generally sound enough. It was not always so, and some years ago I held the view now suggested that the District Magistrate's permission should always be obtained before allowing record to be made of a confession. In recent years so much attention has been paid to the subject, and the police so well understand their duties in the matter, and there has on the whole been so much improvement all round, that I no longer think reference to District Magistrates required, or worth the trouble and delay involved. In a highly criminal province like the Punjab District Magistrates will never have the time to look into all confession cases closely enough to prevent their being anything more than a fifth wheel in the coach. Their advice is only required in special cases of importance, difficulty or doubt and in these they ought to be consulted by the District Superintendent of Police, without being tied up by further rules.

I agree that men sent to Magistrates for confession should not be relegated to police custody whether they confess or not. Otherwise I would make no change.

A. KENSINGTON,
*Judge.*

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Enclosure no. 6 (*iv*).

I agree with my colleagues. My experience is that the cases of torture or pressure on the part of the police to induce confessions are rare and that in by far the majority of cases the original confession is made voluntarily. In order, however, to minimise the risk of illegal action on the part of the police, I would support the suggestion that in no case should the accused person be relegated to police custody.

H. A. B. RATTIGAN,
*Judge.*

*The 11th December 1911.*

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Enclosure no. 6 (*v*).

Though I am by no means convinced that a confession made by an accused person in the course of the police investigation in this country is of much evidential value, I do not think that the existing practice of recording such a confession should be done away with altogether. If it is recorded under proper safeguards, it may safely be treated as one link in the chain of evidence against the confessing accused; the weight to be attached to a confession so recorded is of course another matter, and it must vary according to the circumstances of each particular case.

I am certainly in favour of the proposal that ordinarily a confession should be recorded by a Magistrate of the 1st class, for Magistrates of lower grades do not usually realise the full responsibility of recording a confession strictly in accordance with the provisions of law on the subject and the general impression seems to be that they take down the confessional statements of the accused persons as a matter of routine without satisfying themselves that they are made voluntarily and not as the result of pressure or torture on the part of the police. The instructions which have been issued by our own Court on the subject are, in my opinion, generally sufficient to meet the necessities of the case, but unfortunately in practice they are not strictly observed by the Magistrates in the majority of cases, and that is one reason why complaints are rife as to confessions being improperly induced.

I also approve of the suggestion that an accused person who has once been brought to a Magistrate to have his confession recorded should not be remanded to police custody, whether he has made a confession or not. I further think that it would be a salutary rule to lay down that an accused person who is willing to confess should be kept out of the custody of the police for a reasonable length of time before his confession is actually recorded by a Magistrate, and the latter should expressly question him as to whether he has been illtreated by the police.

M. SHAH DIN,
*Judge.*

*The 15th December 1911.*

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Enclosure no. 6 (*vi*).

The main points to be kept in view in dealing with the law as to confessions before trial are—

(*a*) that the investigation and detection of crime must not be unnecessarily and unduly hampered;

(*b*) that reasonable precautions must be taken to ensure that confessions are no improperly induced.

No doubt the second of these points is important, but I am inclined to think that in these humanitarian days the extreme importance of the first point is apt to be obscured. The

task of detection of crime has always been difficult in the Punjab, and it is probably becoming more and more so as each year passes, and with a full sense of my responsibility I venture to express the opinion that the first point is, in the interests of the public at large, the more important of the two. I do not suggest that we should shut our eyes to the scandal and the cruelty of the illegal procuring of confessions; but before we proceed to make the work of the police more difficult than it already is, we should be quite certain that things are really as bad as they are said to be. Looking back on my 8 years' experience as a Magistrate and 10 years as a Sessions Judge, followed by 7 years in the Chief Court, I have formed the opinion that things are not really as bad as they are now said to be, and it is my firm opinion that no case has been made out for further stringency in the rules and the law. Vigilance is required now as always, for rules and laws are apt to be overlooked and infringed, but any further tying of the hands of the police and any further depriving them of their natural weapons against the criminal will do more harm than good.

The suggestion of the Government of India that the recording of confessions before trial might be given up altogether goes much too far. According to all rational theories of relevancy of evidence a voluntary confession before trial is relevant and extremely valuable, and the mere fact that sometimes it is hard to say whether a confession was voluntary or not is no sufficient reason for adopting the clumsy expedient of ruling out all confessions made before trial. To me it seems obvious that the proper course is to take reasonable precautions and then to leave the court trying the case to determine whether the confession was voluntary or not.

As regards precautions I agree with my brother Robertson in his final summing up, and especially as regards remand to police custody. Such remand should *never* be made if the prisoner has, on being placed before a Magistrate, refused to confess, but it is obvious that there are many cases in which police custody of the prisoner is necessary for the proper completion of the investigation. I would go so far as to say that when a prisoner has confessed to a Magistrate before trial, there is ordinarily no objection to his being remanded to police custody, and that this should always be done, if the police intimate its necessity, unless the Magistrate sees some positive objection.

As regards questioning the prisoner and examination of his body before a Magistrate records his confession, in practice Magistrates do ask a prisoner if he has been ill-treated in any way, and no doubt, if his suspicions are aroused, a Magistrate will also look at the prisoner's body; but I would deprecate the passing of a rule that he should make such an examination.

I entirely agree in Kensington Judge's rejection of the proposal that no confessions should be recorded before trial except by order of the District Magistrate. The delays and trouble would be intolerable and the resulting good infinitesimal.

D. C. JOHNSTONE,
*Judge.*

*The 26th December 1911.*

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Enclosure no. 6 (*vii*).

I agree fully with the opinion expressed by Johnstone J.

W. CHEVIS,
*Judge.*

*The 2nd January 1912.*

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Enclosure no. 7.

No. 602T.—7P.-2, dated Maymyo, the 1st June 1912.

From—The Hon'ble Mr. W. F. RICE, C.S.I., I.C.S., Chief Secretary to the Government of Burma,
To—The Secretary to the Government of India, Home Department.

I am directed to refer to your letter no. 781—790 (Police), dated the 19th July 1911, relating to the procedure to be followed in the production before Magistrates of accused persons to have their confessions recorded, and in the recording by Magistrates of the confessions of persons so produced.

2. The first question stated in your letter was whether, on a balance of advantages, and disadvantages it pays to have confessions recorded at all before the trial commences, except in very special circumstances and by order of the District Magistrate. And in support of the suggestion that the recording of confessions before trial might suitably be stopped altogether, it was alleged that while a genuine confession may possibly be obtained in the first excitement of an inquiry, the confession will frequently be retracted later, and experience shows that in such a case the Courts will demand such ample corroboration as would have been adequate for a

conviction without the confession. The other question stated was whether, if it is considered impossible to go so far as to stop altogether the recording of confessions before trial, any and if so what additional safeguards should be prescribed. The Lieutenant-Governor consulted a number of officers of experience in this Province with regard to those questions, but His Honour does not think it necessary to trouble the Government of India with copies of all the correspondence; it is sufficient to note that only a small minority of the officers consulted were in favour of abolishing absolutely the recording of confessions before trial. The Hon'ble Judges of the Chief Court were included in that minority, and I am to submit a copy of their Registrar's letter* in which they "strongly recommend that recorded confessions made to any person in authority before the magisterial inquiry into an offence commences should be held inadmissible in evidence." I am now to set forth the Lieutenant-Governor's own opinion in the matter.

* No. 92 - 16-3, dated the 9th January 1912, from W. B. Brander, Esq., I.C.S., Officiating Registrar, Chief Court of Lower Burma, to the Chief Secretary to the Government of Burma.

3. Sir Harvey Adamson is strongly of opinion that the recording of confessions before trial should not be stopped. A confession is evidence, for what it is worth; and the Lieutenant-Governor cannot admit that evidence should be intentionally ignored. His Honour indeed concurs fully in the opinion expressed in the following words by Mr. B. S. Carey, C.I.E., Commissioner of the Sagaing Division:

"On the other hand the use of confessions against an accused is a practice which common justice demands. Evidence should not intentionally be ignored. It would in my opinion be wrong to disallow confessions entirely. It is our business to teach and control the police by other means than by handicapping the administration of justice, and I disapprove of the proposal to do away with confessions, as being a departure from the plain course which justice dictates."

Nor can the Lieutenant-Governor admit the correctness of the remark in your letter, that in the case of a retracted confession the Courts demand such ample corroboration as would be adequate for a conviction apart from the confession; and Sir Harvey Adamson is not without experience on which to base his contrary opinion. During the last five years, in the Home Department of the Government of India and as Head of this Province, His Honour has had occasion to deal with every one of the numerous cases of sentences of death which come up for clemency to the Governor General in Council and to the Local Government respectively; and His Honour had also previous experience as Judicial Commissioner of Upper Burma and as Chief Judge of the Chief Court of Lower Burma. Sir Harvey Adamson ventures to say, without fear of contradiction, that the High Courts, Chief Courts and Judicial Commissioners throughout India frequently find that retracted confessions have been voluntarily made, and having so found attach weight to them; and that in many cases in which the accused persons have been found guilty the independent corroboration was in fact not sufficiently ample to have led to a conviction without the confession.

4. The Lieutenant-Governor has no doubt that to a European mind the prevalence of confession in the East is very astonishing. As an instance of this, it may be remarked that for some time after the annexation of Upper Burma almost every prisoner, if guilty, at once confessed his guilt. Further acquaintance with civilization and with our methods of administering justice has altered this practice in Upper Burma, but there can be no doubt that in Burma at the present day, and in India too, there is a strong tendency for the guilty to confess. In China, as the Lieutenant-Governor is informed, confession, however obtained, is a necessary antecedent to conviction. The following extract from a letter received from Lieutenant-Colonel D. J. C. Macnabb, I.A., Commissioner and Sessions Judge of the Magwe Division of Upper Burma, may suitably be given here, not only as illustrating the tendency of the Burman, when guilty, to make true confession, but also as affording proof that even retracted confessions are of value as evidence:

"If prisoners are willing and anxious to confess, they should be allowed to do so. All the senior Magistrates in this Division concur in the opinion that the great majority of confessions made in this Province are true and assist the administration of justice. If a Burman, after arrest, the natural revulsion of feeling following the commission of a crime, the effort of concealment or evasion of arrest, combined in a large number of cases with the knowledge that his whole village knows he is guilty, induce him to confess. Just as surely the realization that such general knowledge will not avail to convict him, and the advice of advocates and relatives, lead him to retract later. In two cases during the past year I have convicted in murder cases on retracted confessions, and both convictions have been maintained in appeal."

Whatever may be the cause of the tendency to confess, there is certainly a great difference in this respect in the temperament of the Oriental and the European. Undoubtedly confession is prevalent in the East; and Sir Harvey Adamson thinks that few will deny that only a small proportion of the confessions made are due to police torture and illegal inducements. Whatever the cause, at one time or another there comes to many criminals the desire to confess. If taken at this psychological moment, the criminal produces evidence against himself which is the best evidence possible, being the evidence of his own lips. If not taken at the proper time the criminal regains his normal confidence and decides to divulge nothing, with the result that evidence which might have been recorded against him is lost. Sir Harvey Adamson

believes it to be beyond dispute that the detection of crime by evidence apart from confession is far more difficult in the East than in England. When a serious crime has been committed in England, the ordinary citizen is against the criminal and on the side of the police. Evidence is easily obtainable, for all persons who know anything material are ready to produce what they know. But in the East is quite the reverse. Whether from direct antipathy, apathy, fear of reprisal or a disinclination to be mixed up in the matter, the instinct in India is to stand aloof and to give no assistance to the police. It is a matter of common occurrence, within the experience of every District Magistrate and police officer, that a serious crime occurs, the circumstances of which render it morally certain that many persons in the neighbourhood know all about it, and yet not a single witness is obtainable. In these conditions criminal justice in the East cannot, in Sir Harvey Adamson's opinion, afford to ignore any available source of evidence; and His Honour believes that it would be disastrous to discard the evidence of confession.

5. At the same time the Lieutenant-Governor believes that the existing procedure in recording confessions is in urgent need of improvement; and His Honour's opinion to that effect has been already placed before the Government of India in Mr. Fell's letter * relating to the proposed amendment of the Code of Criminal Procedure, to which I am to invite a reference. The frequent retracting of confessions has given rise to serious scandal, but in His Honour's view it is not surprising that confessions, recorded as they are at present, inspire little confidence. The practice is to record a confession simply as the accused chooses to make it; and this puts a premium on tutored confessions, because it is easy to tutor a person as to the substance of a confession when the tutor knows that the statement will be recorded without any attempt to test its truth. The instructions which have been laid down require a Magistrate to question a confessing prisoner as to whether he has come voluntarily to confess, but when the prisoner's statement has been recorded in his own words, the High Courts discourage any further examination of the prisoner with a view to elicit the truth. In Sir Harvey Adamson's opinion what is wanted is to make the confession themselves contain evidence not only of their voluntary nature but of their truth, so that the Courts which subsequently deal with them may have internal evidence on which to judge of their weight. It is easy for a tutored prisoner to say what he has been told; it is not easy for him to sustain a cross-examination on all the facts which he has stated, and on all the facts which he must know if what he has stated is true. Much greater reliance could be placed on confessions, whether retracted or not, if Magistrates were enjoined, after recording the confession in the prisoner's own words, thereupon to examine him closely as to the statements made by him, as if he were a witness whose evidence the Magistrate distrusted. In Mr. Fell's letter which I have cited the Lieutenant-Governor recommended the amendment of the Criminal Procedure Code on the lines of Scotch law, by which a prisoner is subjected to examination, before trial, at the hands of the Sheriff and the Procurator Fiscal, and Sir Harvey Adamson adheres to that recommendation. His Honour is aware that objection may be taken to that proposal on the ground that an accused person ought not to be compelled to submit to examination, but in the cases which are now under discussion the position is different. When an accused person has volunteered a confession, there can be no reasonable objection on his part to every means being taken to ascertain from his own lips whether the confession is both voluntary and true. The Lieutenant-Governor's recommendation therefore is that the law should be amended, if necessary, so as to provide that when a confession has been recorded, its truth should be forthwith tested by the Magistrate who has recorded it, by closely questioning the accused on the statements made by him, with the object of ascertaining whether the confession is true or is the mere result of suggestion.

* No. 1018-M.—L.-5, dated the 5th July 1911.

6. While the remarks in the foregoing paragraphs are applicable to India as a whole, I am to submit the following considerations to show that even if the recording of confessions were stopped in India, there are good grounds for extending a different treatment to Burma. In my letter no. 601-T.--7-P. 2, dated the 31st May 1912, the Lieutenant-Governor has pointed out that in Burma cases of serious ill-treatment of prisoners in police custody are comparatively rare, and that cases of actual torture are almost non-existent. In support of that statement certain extracts from letters written by officers of experience were submitted. In addition to those extracts, I am now to cite the following opinion recorded by the Commissioner of the Magwe Division, namely that "neither I nor the senior officers in this Division know of a single case of proved police torture or extortion of a confession in Burma." There is indeed a general consensus of opinion, in which the Lieutenant-Governor concurs, that torture or serious ill-treatment of prisoners by the police in order to compel them to confess is very infrequent in Burma. The grinding poverty which oppresses large classes of the population in India does not exist in this Province; the police share the merits and failings of the general population, which is more truthful and less skilled in intrigue than other races in India; the people of Burma are more independent and less afraid of the police; there is in Burma, as the Government of India are aware, a thoroughly efficient system of village administration, and the village headmen, who take an important part in investigating crime, are entirely independent of the police; and finally, District officers in Burma are in touch with the people, and serious oppression is not likely to pass unnoticed. The Lieutenant-Governor regards it as beyond doubt that abuses in the matter of extorting confessions are less frequent in Burma than elsewhere in India, and believes that the existing safeguards are sufficient for the protection of prisoners

in police custody. His Honour therefore recommends that if the Government of India decide to abolish the system of recording confessions in India, Burma may be excepted from the rule, and that in this Province confessions may continue to be recorded and given in evidence as heretofore.

7. In conclusion, and with regard to the minor safeguards suggested in your letter, I am to say that, in the Lieutenant-Governor's opinion, confessions should be recorded by those Magistrates only who have some experience; and His Honour would therefore restrict the power of recording confessions to Magistrates of the 1st class and to Magistrates of the second class who have been specially empowered in that behalf. But as regards the proposals (1) that a prisoner who has confessed should in no circumstances be given back into police custody and (2) that a prisoner about to confess should have spent at least one night out of police custody, I am to explain that both of these are quite impracticable in Burma. In the great majority of cases occurring in this Province,—*i.e.*, in all cases occurring elsewhere than at the comparatively few stations where there are jails,—there is no custody except police custody into which a prisoner could be returned after confession or in which he could be detained before hand.

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Enclosure no. 7 (*i*).

No. 92—16-3, dated the 9th January 1912.

From—W. B. BRANDER, Esq., I.C.S., Officiating Registrar, Chief Court, Lower Burma,

To—The Chief Secretary to the Government of Burma.

I am directed to acknowledge the receipt of your letter no. 321—7 P. 5, dated the 11th August 1911, and to say that the Honourable Judges have considered the subject mentioned in this correspondence and have, in accordance with the requests conveyed in your letters of the 18th August and the 21st October, issued a general letter no. 6, dated the 20th September 1911, and a circular which is at present in press, copies of which are attached.

2. As regards the recording of confessions the system of recording confessions by a Magistrate other than the one who holds the inquiry, and before the inquiry begins, gives rise to the most numerous cases of complaints against the police so far as they come before the Courts. If the law did not permit confessions to be recorded before the commencement of the magisterial inquiry the Honourable Judges feel confident that complaints against the police would greatly diminish. They would hope that as the motive for procuring confessions from accused would be lessened, malpractices on the part of the police with a view to obtaining them would diminish.

The Honourable Judges would strongly recommend that recorded confessions made to any person in authority before the magisterial inquiry into an offence commences should be held inadmissible in evidence.

The reasons already stated above justify this suggestion: but there are others. In the experience of the Honourable Judges retracted confessions are more frequently a source of weakness in the prosecution of a case than a means of securing a conviction.

They would not prevent a prisoner from making a confession during the inquiry to the Magistrate holding it. If an accused should make a statement incriminating himself during an inquiry, he would do so with full knowledge that he was being proceeded against to the end and in many cases he would do so after he had been away from police influence for a considerable time. Such a confession would necessarily have great weight, although it might subsequently be retracted.

The Honourable Judges believe that the adoption of this course would have the following good results:—

The police would in their investigations be compelled to do their utmost to secure sufficient evidence to secure the conviction of the offender apart from any confession of guilt he might wish to make. The case would not be weakened by a subsequent withdrawal of dubious confession and allegations of ill-treatment in connection with it. Investigations by the police would be specially held and not dragged on from day to day in the hope that the time might lead to a confession on the part of the accused. If an accused showed signs of a willingness to confess, the police would have every incentive to complete the investigation with a view to the appearance as soon as possible of the accused before the Magistrate. They would, however, quickly learn that it was not advisable to send up an accused on weak evidence in the hope that he would admit his participation in the crime charged against him.

The Honourable Judges are convinced that if their suggestion is accepted, the detective efficiency of the police force will increase and all round better work will be secured.

3. If, however, the system of confessions taken before the commencement of magisterial inquiry is retained, the Honourable Judges do not think it advisable to limit the recording of confessions by reference to circumstances, the special nature of which is to be decided on by the District Magistrate. Such a system would, in their opinion, scarcely be practicable. They think it would be sufficient if the power to record confessions were confined to first class and second class Magistrates.

4. The proposals that it should be made an absolute rule that once a prisoner has confessed he should in no circumstances be given back into police custody and that it might also be possible to lay down that before a confession is recorded an accused person should have spent at least one night out of police custody would not, in the opinion of the Honourable Judges, be practicable in this province.

5. As the proposal that all persons when produced before the Magistrate should be questioned as to whether they have suffered ill-treatment at the hands of the police, and that an examination of the prisoner's body should be made, if an allegation of ill-treatment is made, has already been adopted, no comment appears to be necessary.

6. To the proposal that the law should be amended if necessary so as to provide that when a confession has been recorded, its truth should be forthwith tested by the Magistrate who has recorded it by close questioning of the accused on the statements made by him with the object of ascertaining whether the confession is true or merely the result of tutoring, the Honourable Judges have no objection.

7. Although actual ill-treatment of prisoners by the police is believed to be uncommon in this province, there is ground for belief that the exercise of inducement in various forms other than actual ill-treatment with a view to obtaining confessions from prisoners is far too frequent. This practice would best be met by making confession whilst in police custody futile as proof against a prisoner.

Malpractices generally on the part of the inferior police can only adequately be met by constant and close supervision by the superior officers of the force, and by frequent visits of Magistrates to lock-ups with a view to seeing that prisoners under detention there are properly treated.

Further a system under which all complaints by prisoners must be brought to the notice of the District Magistrate should inspire confidence in them that their complaints will be duly considered.

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Enclosure no. 7 (*i*) (*a*).

No. 6, dated Rangoon, the 20th September 1911.

From—W. B. BRANDER, Esq., I.C.S., Officiating Registrar of the Chief Court of Lower Burma,
To—All Sessions Judges and Magistrates.

The attention of all Sessions Judges and Magistrates is invited to the provisions regulating retracted confessions and alleged misconduct by the police contained in paragraph 129 of the Courts Manual.

At the request of His Honour the Lieutenant-Governor, the Honourable Judges further direct that in all cases in which strictures are passed upon the conduct of the Police by any Court whether in a judgment or by means of a separate note, a copy of the judgment or seperate note should be sent at once to the District Magistrate concerned, or in Rangoon Town to the Commissioner of Police.

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Enclosure no. 7 (*i*) (*b*).

No. , dated Rangoon, the January 1912.

From—W. B. BRANDER, Esq., I.C.S., Officiating Registrar of the Chief Court of Lower Burma,
To—All Sessions Judges and Magistrates.

The Honourable Judges have had their attention drawn to the facts that confessions are not recorded in the manner prescribed by law.

Under section 164 read with section 364, Code of Criminal Procedure, it is necessary that each question and answer should be recorded separately. Instead of following this course Magistrates frequently record confessions in one continuous narrative.

When confession is taken in this fashion contrary to the provisions of the Code, no presumption of genuineness arises under section 80, Indian Evidence Act, and the confession as it stands is not admissible as evidence. This error can be cured in the manner provided in section 533, Code of Criminal Procedure, by the Court which tries the case examining the Magistrate who recorded the confession as indicated in that section. He should be asked to state so far as he can remember the nature of the questions put up to the accused. It is desirable to ascertain whether any leading questions were put and whether the Magistrate at the time of recording the confession had any knowledge from other sources of the facts of the case and of the facts which the accused might be expected to state. The accused should be present at the examination of the Magistrate and should be given an opportunity of cross-examination.

2. The confession itself is recorded in Form Criminal 68 which has been amended so as to make obvious the necessity for recording separately each question and answer. Form Criminal 69 is at the request of the Local Government also being amended so as to provide that before a Magistrate signs the certificate prescribed by section 164, Code of Criminal

Procedure, 1898, he shall satisfy himself that no inducement, threat or promise has been made in order to induce a confession and shall arrive at a positive belief that the confession has been voluntarily made. In this connection, the Magistrate shall wherever possible examine the body of the accused, provided that the accused consents to such examination and if there appear to be grounds for suspecting violence he shall also if possible have the accused examined by a Medical Officer. The following additions are being made to the rules regarding confessions contained in paragraph 127 of the Courts Manual :—

To rule 2 add after "is voluntarily made"

"and that no inducement, threat or promise has been made in order to induce a confession."

As the second sentence to Rule 2 insert (the present second sentence becoming the third) —

"The Magistrate must, however possible, examine the body of the accused provided that the accused consents to such examination and if there appear to be grounds for suspecting violence he must also, if possible, have the accused examined by a Medical Officer."

Add at the end of rule 5—

"It is of the utmost importance that a Magistrate should arrive at a positive belief that the confession has been voluntarily made before signing the certificate."

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Enclosure no. 8.

Dated Calcutta, the 31st March 1912.

From—The Hon'ble Mr. H. LEMESURIER, C.S.I., C.I.E., Chief Secretary to the Government of Eastern Bengal and Assam,

To—The Secretary to the Government of India, Home Department.

I am directed to refer to Sir A. Earle's letter no. 781—790, dated the 12th-19th July 1911, in which the Government of Eastern Bengal and Assam was requested to examine the rules in force in this province on the subject of the procedure to be followed both in the production before Magistrates of accused persons in order to have their confessions recorded and in the recording by Magistrates of the confessions of persons so produced.

The Government of India invited the Lieutenant-Governor's attention to the following specific questions in connection with the amendment of the existing rules, and have asked that the Provincial Regulations on the subject may be submitted to a searching examination in the light of the suggestions made and where necessary amended in consultation with the highest judicial authority :—

(1) In the first place it is asked whether on a balance of advantages and disadvantages, it pays to have confessions recorded at all before the trial commences, except in very special circumstances, and by order of the district magistrate ;

(2) whether in case it is not possible to stop altogether the recording of confessions before trial on the motion of the police, the safeguards which are already prescribed with a view to ensure their voluntary character might not be made more stringent ;

(3) whether the power of recording such confessions should not be taken away altogether from magistrates of the third class and restricted to the magistrate having jurisdiction to try the case or at least to first class, or specially selected second class magistrates ;

(4) whether it should not be made an absolute rule that once a prisoner has confessed he should never be remanded to police custody and that before his confession is recorded an accused person shall have spent at least one night out of police custody ; and

(5) whether a rule similar to that obtaining in Bombay should not be framed requiring that all confessing prisoners when first produced after arrest should be questioned as to whether they have suffered any ill-treatment at the hands of the police.

2. The subject has received the most careful consideration of the Lieutenant-Governor. Selected officers both of the Executive and the Judicial, members of the service including the High Court have been consulted and a copy of the opinion of the Hon'ble Judges is annexed to this letter. In regard to the first question the weight of opinion and notably that of the High Court is against the exclusion of such confessions from evidence inasmuch as they are often of great assistance in elucidating the facts of a case. In this view Sir Charles Bayley concurs. He agrees however to the proposed alternative that such confessions should only be recorded by a first class magistrate or a sub-divisional officer. He further concurs in the proposal that before a confession is recorded the prisoner should have been out of custody of the police for at least 24 hours. It is very essential that he should during this period also be kept apart from other prisoners in the jail in which he is confined.

3. The Lieutenant-Governor is in full agreement with the views of the Hon'ble Judges of the High Court quoted below, in regard to the remand of a confessing prisoner to police custody for the purpose of verifying his confession :

"The practice of verifying confessions should be carefully limited and should be confined to a verification of the facts which have been stated by the prisoner. Cases have been brought to notice in which the so-called verification has been used as a means of obtaining admissions to corroborate facts which have come to light after the confession has been made. This practice should be discontinued and a verification for the purpose of amplifying a confession should not be allowed. A verification of a confession should be entrusted to an experienced magistrate who should accompany the accused to the places referred to by him and his proceedings should be restricted to verification and discovery of facts and local features which themselves either prove or disprove the truth of the statement. The investigating police officer should not be present at the time of the verification and only a sufficient police guard to prevent the prisoner from escaping." The rules already in force in this province provide that the guard shall consist not of police officers but of jail warders or persons of the Magistrate's Court and have thus anticipated the High Court's wishes.

4. As regards the desirability of a rule directing that when an accused person is first produced after arrest he should be questioned as to whether he has suffered any ill-treatment at the hands of the police, I am to refer to paragraph 9 of my letter no. 833-Pl., dated the 16th March 1912, in which the Government of India have already been informed that such a rule will be embodied in the Eastern Bengal and Assam Police Manual and circulated to Magistrates through Commissioners.

5. In conclusion His Honour is convinced of the profound truth of the Hon'ble Judges comment that the best safeguard against the acceptance of an untrue confession improperly obtained will be found in the care and ability displayed by the magistrate who is entrusted with the duty of recording it. No effort has been spared to impress upon magistrates the importance of exercising these qualities when recording confessions and the Lieutenant-Governor's displeasure has been communicated to police officers who have endeavoured to obtain advantage by producing a prisoner before inexperienced and incompetent magistrates in order to obtain a confession unfairly. He ventures, however, to point out that as a corrollary it is essential that the Courts should receive with fairness and candour the testimony, whether oral or conveyed by the certificates signed under the provisions of the law by magistrates who have recorded confessions as to the correctness of the record and the due observance of the precaution laid down by law or by rule. Instances have not been unknown in which Judicial officers influenced either by solicitude for the prisoner's defence or by the insistence of his pleader have allowed their attention to be directed rather to the action of the magistrate by whom the confession was recorded than to the question of the guilt or innocence of the accused—a state of things which has not always been conducive to the object with which Courts have been established.

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Enclosure no. 8 (*i*).

No. 75, dated Calcutta, the 29th February 1912.

From—R. L. Ross, Esq., I.C.S., Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side,

To—The Secretary to the Government of Eastern Bengal and Assam, Revenue and General Departments.

I am directed to acknowledge the receipt of your letter no. 2844-Pl., dated the 24th August 1911, with which you forwarded a copy of a letter No. 781-790, dated the 12th July 1911, and enclosures, from the Government of India in the Home Department, regarding the procedure to be followed both in the production before magistrates of accused persons to have their confessions recorded, and in the recording by magistrates of the confessions of persons so produced. You requested that the Government of Eastern Bengal and Assam might be favoured with the expression of the views of the Hon'ble the Chief Justice and Judges on the subject.

2. In reply, I am to say that the first question on which the opinion of the Court is asked is whether, on a balance of advantages and disadvantages, it is desirable to have confessions recorded at all, before the trial commences except in very special circumstances and by order of the District Magistrate. In the opinion of the Judges, the answer to this question should be in the affirmative. They think that any man who is alleged to be implicated in a crime should, if he so desire, be permitted to make any statement either admitting his guilt or explaining any facts or circumstances which appear to inculpate him, and to have that statement recorded by a trustworthy and experienced magistrate.

3. The next point raised in Sir Archdale Earle's letter touches the safeguards which exist and suggests that they may be made more stringent. On this point the Court recommends that the statement made by an accused person should ordinarily be recorded by a magistrate who has jurisdiction to try or enquire into the case. Only in the event of such a magistrate not being available should a junior or an honorary magistrate be allowed to record it. No police officer who has been engaged in the investigation should be allowed to be present when the statement is recorded and only those officers who may be necessary to guard the prisoner.

4. The Judges think that the practice of verifying confessions should be carefully limited and should be confined to a verification of the facts which have been stated by the prisoner. Cases have been brought to notice in which the so-called verification has been used as a means of obtaining admissions to corroborate facts which have come to light after the confession has been made. This practice should be discontinued, and a verification for the purpose of amplifying a confession should be disallowed. A verification of a confession should be entrusted to an experienced magistrate who should accompany the accused to the places referred to by him and his proceedings should be restricted to the verification and discovery of facts and local features which themselves either prove or disprove the truth of the statement. The investigating police officer should not be present at the time of the verification and only a sufficient police guard to prevent the prisoner from escaping.

5. Where the prisoner alleges the improper influence, physical and moral, has been brought to bear on him to induce a confession, the charge should be promptly investigated; and where physical violence is said to have been used the prisoner should be examined at once by a medical officer.

6. In conclusion the Judges desire to suggest that the best safeguard against the acceptance of an untrue confession improperly obtained will be found in the care and ability displayed by the magistrate who is entrusted with the duty of recording it. They think that no advantage would be gained by a further elaboration of the rules in force in this province regulating the procedure to be followed after the prisoner has been brought to the presence of the magistrate. The only essential is that the magistrate who records the statement shall be an officer of intelligence and experience sufficient to enable him to determine whether it is a free and voluntary confession and not a statement which is the result of outside influence.

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Enclosure no. 9.

No. 116, dated Nagpur, the 4th April 1912.

From—E. A. DEBRETT, Esq., I.C.S., Chief Secretary to the Chief Commissioner, Central Provinces,
To—The Secretary to the Government of India, Home Department.

I am directed to refer to Mr. (now Sir Archdale) Earle's letter no. 781—790, dated the 12th July 1911, on the subject of the procedure to be followed both in the production before magistrates of accused persons to have their confession recorded, and in the recording by magistrates of the confessions of persons so produced.

The first question put by the Government of India, is whether, on a balance of advantages and disadvantages, it pays to have confessions recorded at all before the trial commences except in very special circumstances under the orders of the district magistrate. The two great disadvantages which are said to attach to the present system are (*a*) that the police are tempted to devote their efforts to obtaining confessions to the neglect of the evidence, and (*b*) that the confessions are often obtained by ill-treatment or actual torture. It is also said that the confessions, when obtained, are seldom of any use, since they are generally retracted, and if not retracted but confirmed at the trial, are superfluous. It is claimed that the repeal of section 164 of the Code of Criminal Procedure, 1898, would lead to a great improvement in police work and would remove the occasion for a great deal of abuse now heaped on the police on account of some real and many imaginary cases of torture, while it would deprive the courts of little or no material of real value. On the other hand it is urged that the confessions that are of value to the police are those which lead to the discovery of property or of circumstantial evidence, and that the fact that confessions could no longer be recorded by a magistrate would in no way diminish the temptation to extort such confessions by improper means, that the old type of police officer whose sole idea was to get a confession and then sit down with folded hands and wait for the necessary sequel of a conviction, is rapidly disappearing, that it cannot be said either that subsequently confirmed confessions are superfluous or that retracted confessions are valueless, and that to repeal the section would in certain classes of cases deprive the prosecution of a valuable weapon.

3. The Chief Commissioner has consulted the Judges of the Judicial Commissioner's Court, the Inspector-General of Police and all Commissioners and district magistrates and I am to enclose for the information of the Government of India the opinions recorded by the Judges of the Judicial Commissioner's Court and by Mr. J. Hullah, I.C.S., Deputy Commissioner, Narsinghpur. There is much difference of opinion, but broadly speaking the Judges are in favour of maintaining the present system with added safeguards, and the police and the majority of executive officers are in favour of abandoning recorded confession altogether. Mr. Fox-Strangways hesitates in such a matter to put aside the almost unanimous opinion of the Police Department supported as it is by several district magistrates of experience. But he agrees with those officers who have expressed the view that the abandonment of the magisterial record of confessions would in no way reduce either the temptation or the opportunities to put pressure on accused persons and that thus what he takes to be the main object of the proposed change would not be served. As to the improvement in the efficiency of police investigations which is expected to follow from the removal of the snare of the recorded confession, the Chief Commissioner believes that the steady improvements of the police force,

especially in the investigating ranks, is eliminating this source of weakness and that Government should not seek a somewhat problematical improvement in general methods by abandoning altogether the use of confessions so long as it can be shown that they are of definite use in certain cases.

4. There are certainly cases where without a confession recorded early in the proceedings no conviction would ever be obtained. Mr. Fox-Strangways believes that in the Alipur Bomb case the confessions of some of the accused were of extreme value and that without them some of the persons convicted would have escaped. Then there are confessions of crime, such as murder, to which there were no eye-witnesses, confessions made out of bravado by the dacoit or political offender who glories in his crime, and the confession made at or near the scene of the crime, among people who know the facts and the actors and under the pressure of a public opinion which the accused cannot resist. All of these may be retracted later, but a confession made with great detail may often bear upon it such an impress of truth that subsequent retraction does not destroy its value. Again an early confession may have great value in enabling the prosecution to select approvers and the magisterially recorded confession is at least undoubted evidence of the confession having been made and may thus be admissible under section 27 of the Evidence Act when the evidence of the police might be distrusted.

5. The Chief Commissioner agrees with the generally expressed opinion that the power to record confessions before trial might be restricted to first class or specially selected second class magistrates and does not think it is necessary to limit it to the magistrate actually inquiring into the case. He does not consider it either practicable or necessary to lay down that an accused person who has confessed should not be remanded to police custody. It is not the man who has confessed, but the man who has not yet confessed, who is in need of protection. In order to make certain that the confession was not due to fear of police ill-treatment it would be necessary that the accused should be assured that if he were put up to confess and refused to do so or made only a partial confession he would not be remanded to police custody. The Chief Commissioner considers that this could not be done and that in many cases confessing prisoners must be returned to police custody for the purpose of pointing out property and so on. In his opinion it is hardly practicable to provide that the accused should always spend one night out of police custody before confessing, though it might be an executive order that this should be arranged for where time and other circumstances allow.

6. As regards the actual procedure before the magistrate the Chief Commissioner agrees with the Judicial Commissioner that no further precautions other than those prescribed in section III of Criminal no. 1—7 appear necessary to safeguard the interests of justice.

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Enclosure no. 9 (*i*).

No. 559, dated Narsinghpur, the 30th August 1911.

From—J. HULLAH, Esq., I.C.S., Deputy Commissioner, Narsinghpur,

To—The Commissioner, Nerbudda Division, Hoshangabad.

I have the honour to reply to your endorsement no. 466, dated the 17th August 1911, forwarding certain papers in which it is suggested that the practice of recording confessions under section 164 of the Criminal Procedure Code may be abandoned, and to say that I am wholly opposed to this suggestion.

2. The question may be considered in two aspects—

*Firstly*: as affecting the administration of justice and the discovering of truth;

*Secondly*: as tending to improve police work and to prevent oppression by the police.

3. As regards the former of these two aspects I do not think that we should allow to pass unchallenged the Government of India's statement that "in an unsophisticated community a confessing prisoner will ordinarily persist in his confession throughout the proceedings." Experience, I would submit, shows that this is not "ordinarily" the case. However unsophisticated a prisoner may be, he will almost invariably meet in the undertrial ward of the jail other undertrial prisoners who are a good deal less unsophisticated than himself, and who will point out to him the folly of his confession; moreover there is good reason to believe that the subordinate jail officials are themselves not infrequently guilty of similar well-meant or ill-meant interference.

4. Next, as regards the value of confessions. While it is obvious that considerable value must be attached to confessions which are not retracted until a late stage in the proceedings has been reached—as, for instance, a confession persisted in before the committing magistrate but retracted before the sessions court—yet I am quite prepared to agree that in many cases confessions especially those retracted at an early stage of the proceedings, are practically valueless. Such valueless confessions are usually mere bald admissions of guilt with little in the way of supplementary detail or narrative. But there are other confessions, which, though immediately retracted, are *full of detail* that they bear on their face the unmistakable impress of truth. The value of detail in a confession does not seems to have received sufficient notice